

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Wednesday, September 5, 2012 at 2:00 p.m.

PRESENT:

Sean Walter,
John Dunleavy
James Wooten,
George Gabrielsen,
Jodi Giglio,

Supervisor
Councilman
Councilman
Councilman
Councilwoman

ALSO PRESENT:

Diane M. Wilhelm,
Robert Kozakiewicz,

Town Clerk
Town Attorney

DEPARTMENT HEADS PRESENT:

Dave Hegermiller
Chris Kempner
Bill Rothaar
Michael Reichel
George "Geo" Woodson
Laverne Tennenberg
Gary Pendzick

(The meeting was opened at 2:00 p.m.)

(The Pledge of Allegiance was recited)

Supervisor Walter: "Okay. We've got an ambitious agenda here today.

Mother Mary, would you like to come up and do the invocation? Let's get her a- we've got a microphone right here. There you go."

Rev. Mary Garde: "The Lord be with you. Oh God of great and glory, giver of life and (inaudible).

Strengthen your people in all that we do and often we are unaware of your grace holding us up. Give us this awareness today as we take counsel for the needs of this town, that your grace (inaudible) and move us forward in these days of conflict and (inaudible).

All this we ask in your name. Amen."

Supervisor Walter: "Mother Mary, we thank you very much. We appreciate it.

Actually we have-- we're ready for the dog but I don't have the pooch's name-- Buster. All right. Bring Buster in. Jessica, what do we know about Buster?"

Jessica: "Buster is a two year old American Stafford Terrier. He is very, very playful, needs a great home. He is housebroken, (inaudible)."

Supervisor Walter: "All right. So we've got Buster is available. How long has Buster been available?"

Jessica: "About a year."

Supervisor Walter: "Buster has been here about a year folks, so if we can get a shot of Buster. Buster doesn't look like he wants to be in the hold anymore so hopefully somebody within a shout-- within earshot of our voice will come and adopt Buster.

And what's the phone number to the animal shelter?"

Jessica: "369-6189."

Supervisor Walter: "369-6189. All right, Buster, well, good luck. Thank you everyone.

And, Harriet, I understand that you're going to sing a song for us. Warren, if you want to give her the microphone. You've got to hold it close to your lips."

Harriet Haas: "How are you, Buster? Are you going to enjoy the songs? Well, we'll try to make Buster enjoy it. Okay."

(At this time, Harriet Haas sang Working on the Railroad)

Harriet Haas: "Did you like it Buster? Where did Buster go?
Would you like God Bless America?"

Supervisor Walter: "Absolutely Harriet. You know, Harriet, the next time that young man that brought you here, since you're singing a song that should be accompanied with a banjo, we're expecting Mr. McKnight to come with the banjo next time. You might as well do it."

Harriet Haas: "Well bring your banjo next time. Okay. Bring your banjo."

(At this time, Harriet Haas sang God Bless America)

Supervisor Walter: "Harriet, thank you very much for coming out. Warren, next time banjo."

(Some inaudible comments)

Supervisor Walter: "A banjo playing Santa? I don't believe it. Good then we have to have him."

Okay. John- "

Councilman Dunleavy: "Approve the minutes?"

Supervisor Walter: "Yes, if you would."

Councilman Dunleavy: "I'd like to make a motion that we approve the minutes of the town board meeting of August 21, 2012 and the special town board meeting of August 23, 2012. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Okay, Correspondence."

Diane Wilhelm: "Under Correspondence."

CORRESPONDENCE:

9 letters regarding the public hearing of August 21, Wading River corridor study and potential rezoning of Route 25A

Robert and Lois Marascia
Diane Kennedy
Peter S. Danowski, Jr., Esq.
Thomas Brinkman
Patrick and Michele Dougherty
Joe Vento and Jim Tsunis
Frank Bracco
Barbara Covello-Mazlin
Joseph Jay Holtzman

Petition signed by 21 residents of Ackerly Street requesting road improvements to Ackerly Street

Greg Folk - letter of request to adjourn the public hearing for the special use permit petition of Rosa's Cafe of September 5th 2:20 p.m. to another day

Supervisor Walter: "Do you have that letter? I'd like to make that letter part of the record."

Diane Wilhelm: "Okay. I don't have it with me but I have it in the office."

Supervisor Walter: "Okay. Yes, just make it part of the record."

Diane Wilhelm: "Sure."

APPLICATIONS (pending town board approval):

Special permit

Kent Animal Shelter - submitted an application for re-development of existing building and site, 2259 River Road, Calverton

Chapter 90
special event

Riverhead MTAX Inc. bike competition at Stotsky Park Skate Park September 22, 2012

REPORTS:

Tax Receiver

monthly report, August, 2012 - \$534,419.77

Town Clerk

monthly report August, 2012 - \$11,992.74

Police Department

monthly report July, 2012

Diane Wilhelm: "And that's it."

Supervisor Walter: "Okay. Any other committee reports?"

Councilwoman Giglio: "Yes. I would like to thank the Landmarks Preservation Committee who has been working very diligently in trying to get our downtown area on the state historic registry and we have just made it on the national register for historic place of significance.

So Riverhead is on the map and we should be expecting a lot of visitors to downtown Riverhead and we have a very talented group that are volunteers on the Landmarks Preservation Commission that have put together all the surveys, the applications and the information necessary to achieve that status.

And I'm very proud to be a part of that Landmarks Preservation Commission and I want to thank them all.

And thank the town board for giving them the tools that they need in order to make the status as national register so this is the support of the board."

Councilman Dunleavy: "Councilwoman Giglio, doesn't that

give special- some special stuff to Main Street?"

Councilwoman Giglio: "Yes. It gives 40% tax credits for any improvements that anybody wants to do on any of these historic structures. So you're eligible for 20% from the state and 20% from the federal government in tax credits."

Supervisor Walter: "Okay. Thank you. Any other committee reports?"

All right. We have six public hearings. And the first one scheduled for 2:05."

Public hearing opened: 2:10 p.m.

Supervisor Walter: "And 2:05 having arrived, this is a consideration of a local law amending Chapter 64 of the Riverhead town code entitled Fire Prevention, Section 64-9 fire prevention permit fees.

And these are- did this come out of code revision committee?"

Robert Kozakiewicz: "The answer is yes and this is a second time that we're doing this public hearing because the first time with testimony that was received from fire marshal Andrewsiewicz (phonetic) we ascertained that the first tent-- up to 400 square feet shouldn't be subject to any permits. And unfortunately the prior code had indicated that any tent, the first tent, would be subject to a permit.

I'd asked that that testimony be incorporated in today's public hearing. I don't recall the date of the hearing but that's the reason for this to be re-done, we just to correct that first tent requirement that it be 400 square feet to 1,000 square feet."

Supervisor Walter: "Okay. Does anybody else wish to be heard on this matter?"

Not seeing anybody I'll close the public comment portion now and we'll leave it open for written comment until September 14th at 4:30 in the Riverhead town clerk's office."

Public hearing closed: 2:12 p.m.

Left open for 10 days for written
comment to September 14, 2012 at

4:30 p.m.

Supervisor Walter: "Okay, moving right along, 2:10
having arrived."

Public hearing opened: 2:12 p.m.

Supervisor Walter: "We have a second public hearing and
this is a consideration of a special use permit petition of
Ottoman Enterprises, Inc. to demolish and reconstruct an
existing gas station and convenience store at 626 West Main
Street, Riverhead, New York.

And for the applicant, if you would just state your name
and affiliation for the record."

Keith Brown: "Certainly. Keith Brown, (inaudible), 510
Broad Hollow Road, Suite 110, Melville, New York 11747.

Good afternoon Mr. Supervisor, Members of the Board, nice
to see you today."

Supervisor Walter: "How are you doing, Mr. Brown?"

Keith Brown: "Very well, thanks.

This is perhaps one of the easiest special use permits
you'll ever encounter because this very same board- I can say
that with all sincerity, because this is the very same special
use permit application that this board granted back in 2007.
It just expired actually.

So I'm here today with respect to Ottoman Enterprises'
application for a special permit in connection with the
demolition of the existing motor vehicle fueling station and
the erection of a new motor vehicle fueling station with an

accessory convenience store located at the property of 626 East Main Street- West Main Street, I'm sorry, Riverhead, New York.

This is a- as a matter of housekeeping, notices were sent to all abutting property owners by certified mail return receipt requested on August 21st as required- "

Supervisor Walter: "Did you give the receipts to the clerk?"

Keith Brown: "I did. They were submitted last week as well as the affidavits of mailing and posting which were submitted to the town clerk on August 30th, 2012."

Supervisor Walter: "Thank you."

Keith Brown: "By way of context, the property is an irregularly shaped trapezoid actually shaped lot located on the north side of West Main Street and west of Marcy Avenue.

The property is approximately 151 feet of frontage along West Main Street. It measures approximately 21,000 square feet and the property is surrounded- area is comprised primarily of commercial and retail uses also some industrial uses.

The property is abutted to the east and west by commercial uses and to the north by an industrial use.

In short the instant special permit is requested in order to renovate and improve the property in a manner that will improve its functionality as well as its appearance and it will be a marked improvement of the existing property condition.

The proposed improvements and requested special permit are sought to permit the reconstruction and expansion of a non-conforming gasoline service station pursuant to town code Article VIII Section 108-51a.

This board as I said previously granted the requested special permit relief on 2/19/2007 by town board resolution #659.

The special permit was subject to a condition requiring that the special permit had to commence within three years of

the grant. The specially permitted use did not commence within that period causing it to lapse in June, 2010.

Since that time we have renewed the applications and all the zoning approval process-- and have diligently been pursuing all necessary zoning approvals in order to bring this process to a conclusion and begin construction as soon as possible.

We recently obtained town ZBA approval. We have gone before the town ARB and have their approval pending submission of some new drawings and we hope to be before the town planning board within the next month for site plan approval.

But we require this special permit in order to do so.

So at this time, I'd like to submit a couple exhibits. The first exhibit is actually that prior resolution #659. The zoning board of appeals determination granting the variances on April 26 of 2012."

Supervisor Walter: "Mr. Brown, 659 of 2007?"

Keith Brown: "Of 2007, right. As well as the ZBA approval of April 26, 2012 of this year as well as two articles that recently appeared, one in Newsday two years ago and one in the Long Island Business News which talks about the need for small independent gas station owners to convert their service bays into convenience stores because just to sum it up.

The old business model where a gas station owner would have his station do some repairs and sell some gas, that business model really no longer works. Many people such as myself use very often dealerships in order to perform maintenance and that's a result of a couple things, warrantees, most cars have extended warrantees these days, as well as the fact that just the equipment notably the computer equipment and the other equipment that's needed to work on cars are much more complicated than they were 20 or 30 years ago, is no longer true.

So the other thing that is true and quite telling included in these articles is gas station retailers such as my client, they make literally cents on a dollar when they pump gas.

I was amazed when I started doing this type of work several years ago to find out that literally they only make a half a cent bonus when they go over pumping a million gallons a year.

So quite frankly there's really not a lot of profit in the gas station sale- the gasoline sales itself. Most of their profit comes through other means.

So in order to keep these stations a viable commodity in the town where they are paying in tax dollars, it's necessary that they evolve and they change themselves into a going concern that is actually profitable.

So with that, I have nothing further. I'd just like to submit those into the record at this time and I'm available for any questions you may have."

Supervisor Walter: "Is it your desire to submit the entire record from 2007 into this record as well?"

Keith Brown: "Yes, if you could- that would be great."

Supervisor Walter: "That would be fine."

Councilman Dunleavy: "I just have one question."

Keith Brown: "Certainly."

Councilman Dunleavy: "I'm not an architect and I'm not an engineer and I don't intend to be one but your property is about three to four foot higher than the property to the west of you. So are you going to contain your runoff- your storm runoff, just to your property and not drain it to, you know, other people's properties?"

Keith Brown: "Yes. I think you refer to the Riverhead Dodge property to the west?"

Councilman Dunleavy: "Yes."

Keith Brown: "Yeah. No, as required under the town code, we have to retain all stormwater on site so we will definitely do so."

The other thing I should show you is I pulled from the ARB file the latest renderings that the ARB passed on and also the landscape plan just for the board's edification if you want to take a look at it."

Councilman Dunleavy: "Okay, thank you."

Councilman Wooten: "Mr. Brown, right now you have a retail component to that store now- to that gas station now."

Keith Brown: "We do, it's rather small."

Councilman Wooten: "It's very small."

Keith Brown: "Right. So they're looking to expand that."

Robert Kozakiewicz: "I have a couple questions. In light of a recent case, it's the prior application 2007. We're now five years down the road.

Are the applicant and the owner the same as was done in 2007, do you know?"

Keith Brown: "Yes."

Robert Kozakiewicz: "Okay. And who are they for the record?"

Keith Brown: "It's Ottomon Enterprises, Inc."

Robert Kozakiewicz: "Is that the owner and the applicant?"

Keith Brown: "I believe so. I can just double check that."

Robert Kozakiewicz: "Okay, if you could. Just a question of whether they are one in the same and whether there's authorization for that special permit to be submitted."

Keith Brown: "Yes. I'm looking at a copy of the special permit application. The applicant is Ottoman Enterprises, Inc. and the name of the owner is Ottoman Enterprises, Inc."

Robert Kozakiewicz: "And the principal, if you know?"

Keith Brown: "Yes. The principal is (inaudible)."

Robert Kozakiewicz: "Okay."

Keith Brown: "That's S-U-K-R-A A-K-A-Y-A."

Robert Kozakiewicz: "Okay. Another question. Councilman Wooten alluded to it earlier. There is a retail component. What's the size of the current building, if you know?"

Keith Brown: "I do. I believe it's around 1,200 square feet. Let me confirm. The existing building is 1,250 square feet."

Robert Kozakiewicz: "And the building- that building is going to be demolished in its entirety?"

Keith Brown: "Yes. In fact that building is being pushed back which will allow a lot better site circulation and make it easier for safer ingress and egress.

The whole back of the property is not being utilized very well so this will make it much better from a planning point of view."

Robert Kozakiewicz: "Do you have those current setbacks in front of you?"

Keith Brown: "I do, yes."

Robert Kozakiewicz: "And what they will be, what the current is and what the proposal is?"

Keith Brown: "I actually don't have the currents. What I have is what's required under the code and the proposed."

Robert Kozakiewicz: "And the proposed is?"

Keith Brown: "The proposed front yard setback required is 30 feet. We're well exceeding that, it's 75 feet."

Robert Kozakiewicz: "Okay."

Keith Brown: "The rear yard setback is 50 feet. We obtained a variance to go to 41 feet 8 inches."

Robert Kozakiewicz: "And the size of the parcel?"

Keith Brown: "The size of the parcel is- it's approximately 20,000 square feet. And in terms of- I can anticipate, the coverage of the lot is very small. The total building coverage of floor area ratio is about 5.9% and 40% is allowed."

So we're also adding a lot of greenery to the site which you can see from the landscaping pattern. We're going to be landscaping the whole west side. It separates that from the Riverhead Dodge property as well as the rear yard.

So it's really going to be a much enhanced improvement over the current conditions now.

And the other thing too is there's an entire drop curb, there really is no curb. It goes from pavement to pavement, from the road to the site. So that will also be a marked improvement over what's there currently."

Supervisor Walter: "Are you willing to do a cross access easement with the property behind it? I don't know who owns that access onto Marcy."

Keith Brown: "It's Long Island Cauliflower Association."

Supervisor Walter: "Owns that access on Marcy?"

Keith Brown: "Yeah. And actually there's an existing easement that's on the east side that existed with the former post office that's still on the books."

Councilman Dunleavy: "That's a moving company now, isn't it?"

Keith Brown: "Correct, yes. So we- in terms of the cross access, that area in the back, Mr. Supervisor, just for, you know, for the sake of candor, I'm not sure that we would be

able to do that, just because, just looking at the plan.

It's going to be heavily landscaped along the back so I don't know how practical it really is."

Supervisor Walter: "Can I see the site plan?"

Keith Brown: "Sure. The only place that would make sense is to capture some of the right of way that's on the east side and perhaps doing something with the former post office building would make sense. That's where it could happen. I could show you."

Supervisor Walter: "There's not going to be any more access behind the old post office annex anymore onto Marcy?"

Keith Brown: "This is Marcy here. Here's Marcy here."

Supervisor Walter: "Oh, let's do a field trip up here."

Keith Brown: "So this is Marcy here. Here's the right of way that separates the two. Apparently (inaudible)."

(Some inaudible discussion)

Keith Brown: "That's actually part of the easement that's on the post office property."

Supervisor Walter: "Okay. So you're putting a curb in here so there's no- are you putting a curb in here?"

Keith Brown: "No. We're going to leave it as is. The curb will be in the front."

Councilman Dunleavy: "You're going to leave it open so people can- "

Keith Brown: "Right."

Supervisor Walter: "I'm just concerned the guys with the moving trucks- I'm sure they probably swing onto each other's property."

(Some inaudible discussion)

Supervisor Walter: "How are you defining the property line?"

Councilman Wooten: "On the east side, you're going to define the property, right?"

Keith Brown: "No. We're going to leave it the way it is now. It just works better from a functionality point of view because of what the Supervisor alluded to."

Councilman Wooten: "How does the moving guy feel about that?"

Supervisor Walter: "Well, if you define the property line, the guy- the moving may not be able to back in- "

Councilman Dunleavy: "You would be better off if you had no property line."

Keith Brown: "It would be pinching him. So he would have a harder time- "

Councilwoman Giglio: "That's some thing that I'm sure would be discussed at site plan process."

Keith Brown: "Yes."

Supervisor Walter: "Can you submit this as part of the record?"

Keith Brown: "Sure."

Supervisor Walter: "I think from my perspective I would want us when we- if we pass judgment, approve this, I would just want to make sure that that access on route to the moving company was left so that the moving company could sort of share access because I think that you use the right word- you pinch it off and somehow you block them from coming in there."

Keith Brown: "Yes. I know for a fact my client would rather have- "

Supervisor Walter: "I just want to make sure that we clarify that, that that would not be blocked. I don't know

whether he likes that or not. It just seems to be common sense."

Keith Brown: "Yes. I would agree."

Supervisor Walter: "Does anybody else on the board have any other questions?"

Anybody from the public? Okay, not seeing anybody we will close the public comment portion and leave it open for written comment until September 14th at 4:30 in the town clerk's office.

Thanks Mr. Brown, appreciate-- "

Keith Brown: "Thank you. Nice seeing you."

Supervisor Walter: "Take care."

Public hearing closed: 2:25 p.m.

Left open for written comment for
10 days to September 14, 2012 at
4:30 in the town clerk's office

Public hearing opened: 2:25 p.m.

Supervisor Walter: "Okay. The second- third public hearing was scheduled for 2:15; 2:15 having arrived, we're going to open that public hearing at 2:25."

And this is for the consideration of a local law amending Chapter 101 of the Riverhead town code entitled Vehicles and Traffic Article III traffic regulations Section 101-7 turns - 7-11 store right turn only out of driveway onto Roanoke Avenue.

And, John, I know we talked about this. Do you want to say something about this?"

Councilman Dunleavy: "This is to coincide with the next driveway which is no left turn. These people have to come out."

They have to go across two lanes of traffic to go north and it's on a curve.

So for traffic safety right turn only is the easiest way to exit this place and protect the citizens. Thank you."

Supervisor Walter: "I agree. I went and looked at it. Does anybody else on the board wish to comment? Anybody from the public?"

Councilman Dunleavy: "We just finished the public hearing."

(Inaudible comment)

Supervisor Walter: "--gas station. Who are you, sir? Oh, how are you Tony, how are you doing? Now I recognize you. I'm sorry we closed the public hearing on that already. If you want to leave that open-- we digress. It's open for written comment. If you want to make a written comment we can leave it open until September-- I already closed the hearing. I can't re-open it. I'm already in another hearing. So if you could-- I apologize but I can't do that. If you can just boil it down to writing and submit it to the clerk, we'll take a look at it. Okay?"

Councilwoman Giglio: "And there will be a site plan application which there will be a public hearing for the site plan so you should get notifications on-- when the planning board is reviewing the site."

Supervisor Walter: "All right, thank you. We're back on to the public hearing for the no left hand turn at 7-11. Yes."

Warren McKnight: "I live around the corner from 7-11. My name is Warren McKnight. I live at 824 Middle Road, around the corner from the 7-11."

And usually every morning anywhere from five to seven days a week, I actually get the paper around the corner and drive there and being a very-- I try to be a careful driver, I'm not a very good driver, I try to be careful.

I make a right turn into 7-11 from Roanoke and I make a

right turn going out to Route 58 and then I make a right turn at Walgreens and go home. That's the story of my life.

But it is rather, you know, it is rather rough especially if people want to cross into and go left down Roanoke or north because between the ambulances, between other cars and everything else— and on occasion I have— but, you know, you have to be very careful.

I feel very safe and I have no problem with something like that. I think it will prevent accidents in the future."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Does anybody else wish to be heard on this?"

Councilman Wooten: "I was looking at it the other day and, of course, I'm familiar with it but my only concern is as you come out, a right hand turn only out of that easterly portion of 7-11, you're still, if you wanted to head up Roanoke or if you wanted to go around and head east on 58, you still have got to cut over a lane of traffic to get into that lane that allows you to do that otherwise you're restricted to strictly heading west on 58."

Councilman Dunleavy: "I agree that you have to move over. But that's safer than trying to make a left turn going across. That's all we're trying to do."

Supervisor Walter: "And it works out okay there because you can just swing around the traffic circle if you want to go back up on Roanoke."

Councilman Wooten: "It's just cutting into that lane to get in there because most people are going to want to head around the circle into town."

And then the other thing of course is the fact that people are effectuating a left hand turn into that A&P plaza that sort of line up traffic— "

Councilwoman Giglio: "Into the circle. It's almost as if the median should be extended north from the circle so that

they can't make a left hand turn into there that way."

Councilman Wooten: "That's true."

Councilwoman Giglio: "So- but that's John's next project. We're very fortunate to have John. He pays attention to all these traffic issues that we have and tries to make the roads safer for our residents."

Councilman Dunleavy: "And for traffic safety we were thinking about putting those rubber stanchions up and extending it so people coming around the traffic circle couldn't make a left turn and go in there. So we're contemplating that but the funds are just not there at this time."

Supervisor Walter: "It's a county road too I think right there, part of Roanoke, isn't it?"

Councilman Dunleavy: "I think that's a town road over there."

Supervisor Walter: "All right. Anybody from the public wish to be heard on this?"

Not seeing anybody, we'll leave it open- close the public comment portion, leave it open for written comment until September 14th at 4:30 in the clerk's office."

Public hearing closed: 2:30 p.m.

Left open for written comment for
10 days to September 14, 2012 at
4:30 in the town clerk's office

Public hearing opened: 2:31 p.m.

Supervisor Walter: "We're going to open the fourth public hearing, scheduled for 2:20 and it is now 2:30, we will open up that public hearing and this is the consideration of a special use permit of Rosa's Cafe, Inc. d/b/a Michelle's Cafe for renovations of existing construction to operate a tavern at 155 Griffing Avenue, Riverhead, New York."

And we have another Mr. Brown. Mr. Brown, if you would state your name and affiliation?"

Jonathan Brown: "Supervisor Walter, Jonathan Brown, 737 Roanoke Avenue, Riverhead, New York.

I'm appearing this afternoon for the applicant, Rosa's Cafe, Inc. I have with me the principal and sole owner of the applicant with me, Roberto Marroquin.

Forgive me if I was not pronouncing that correctly."

Councilman Wooten: "I'm sure I can't spell it."

Jonathan Brown: "Before we begin, I have some preliminaries, the affidavit of posting of the pre-application sign, the affidavit of posting of the hearing sign, and the affidavit of mailing with all the certifies attached.

This is an application for a special permit pursuant to Section 108 133.1 and following of the town code.

In conjunction with that we had prepared a radius map which shows the location of the parcel and identified those parcels that we had to put on notice. I have a copy.

I'm sure you're very familiar with the area. It's 155 Griffing Avenue between 2nd Street and East Main Street. It is currently vacant. There is an existing certificate of occupancy for a luncheonette.

The luncheonette use-- although the applicant has completed the renovations to open it as a luncheonette, he has come to the conclusion that without doing alcohol sales on premises, that his business would be less viable.

He anticipates employing between-- I believe it's between six and eight employees at this location once he gets open.

The applicant by the way is there under a lease. The-- I understand there may be a recommendation from the planning board. If so, I have not seen it.

Is that correct, Supervisor?"

Supervisor Walter: "I don't think we have a recommendation from the planning board."

Jonathan Brown: "The plan of Jeffrey Zahn that was on file and I have a copy of that plan here, shows an existing building that is approximately 20 by 40 in dimensions and these are plans which became the basis for the completion of the renovations as they (inaudible).

If you review the plans, you'll see that there's approximate seating for 30 patrons. This is a small building, 20 by 40, maximum occupancy I understand is less than 49.

The- there is a small outbuilding which is for storage. I would also note that there's adequate handicap access as revealed on the plan of Jeff Zahn for which a certificate of occupancy has already existed.

The site dimensions itself are 20 feet by 103 so as you can see it's a fairly small parcel.

The map of Young & Young shows that there is adequate public parking available immediately to the north. There is- we are within walking distance of the courthouse and there is no other public use within a short walk of this facility.

Most notably there is no school within a short walk of this facility.

The access to this facility are adequate. The plan of Zahn shows that there is both ingress and egress in the front and rear of the building as well as handicap access throughout the building.

While the off street parking is plentiful, it is not located on the site. Drainage is not an issue. Buffers are not necessary. There is no- setbacks are not applicable.

The premises are served by the sewer district. There are adequate existing municipal services as identified in the code for police, fire and EMS.

There is no- we don't expect that there would be any ill effect of this application, certainly no pollution or other

fumes emitting from the premises.

The regulation of the hours of operation are under the purview of the state liquor authority and have already been detailed and preempted by that agency.

The roads are adequate for the anticipated load. As I had indicated earlier, the certificate of occupancy was issued. All regulations of solid waste are contained in the Suffolk County Department of Health code.

The small cafe is justified by existing uses nearby. Those of us that practice law for the living know that there's a number of short- small restaurants, cafes, delis within walking distance of the courthouse that serve that population.

If I may, I would like to introduce Mr. Marroquin and have him sworn in."

Supervisor Walter: "Okay, thank you."

Robert Kozakiewicz: "Jon, before you do that, I just wanted to vet a little bit about the luncheonette issue. You said there was a luncheonette CO issued and you are here for a tavern use. I think there's a distinction between a luncheonette and a tavern.

A tavern is principally alcohol whereas a luncheonette would be more principally eating.

The plans that are on file show a microwave only for this particular location. Would you agree or concur that that's more akin with a tavern as opposed to a luncheonette type of use?"

Jonathan Brown: "No, I wouldn't. Actually I have- if I could question Mr. Marroquin perhaps we could answer your questions. We have a mock up of the menu, what we propose to do here."

Robert Kozakiewicz: "Okay, fine."

Jonathan Brown: "Okay. Thank you."

Roberto Marroquin: "Hello. My name is Roberto Marroquin."

Supervisor Walter: "Could you spell that, sir, for- "

Roberto Marroquin: "M-A-R-R-O-Q-U-I-N."

Robert Kozakiewicz: "And just for the record, could you also indicate your residence address and then I have to swear you."

We don't make the attorneys swear in but on special permits for those who are not attorneys we do make you swear and give testimony.

So what's your residence?"

Roberto Marroquin: "1 Crater Lake Drive, Coram, New York."

Robert Kozakiewicz: "Okay, now can you raise your right hand and repeat after me."

Do you solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God, with connection with the testimony you are about to give?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Thank you."

Jonathan Brown: "Mr. Marroquin, are you employed?"

Roberto Marroquin: "Yes."

Jonathan Brown: "And where are you employed?"

Roberto Marroquin: (Inaudible)

Jonathan Brown: "And what position are you serving there in?"

Roberto Marroquin: "I am the manager."

Jonathan Brown: "And with regard to Rosa's Cafe, Inc., are you the sole owner?"

Roberto Marroquin: "Yes, sir."

Jonathan Brown: "Are you the director? Are there any other directors other than you?"

Roberto Marroquin: "No."

Jonathan Brown: "Are there any other shareholders other than you?"

Roberto Marroquin: "No, there isn't."

Jonathan Brown: "Are there anybody who has a legal, beneficial or equitable interest in this corporation other than you?"

Roberto Marroquin: "No."

Jonathan Brown: "The- is it your intention to open the premises as a cafe?"

Roberto Marroquin: "Yes."

Jonathan Brown: "Okay. And are the liquor sales secondary to that cafe use?"

Roberto Marroquin: "Correct."

Jonathan Brown: "And you are the tenant in possession under a written lease. Is that correct?"

Robert Marroquin: "That's correct."

Jonathan Brown: "Okay. If I may, I brought with me a copy of your mock up of a menu. Is that- is this the menu that you intend to serve at the restaurant?"

Roberto Marroquin: "Yes."

Jonathan Brown: "If you could describe, what kind of fare are you planning on serving in this restaurant?"

Roberto Marroquin: "Just (inaudible)."

Supervisor Walter: "Have him speak into the- "

Roberto Marroquin: "I'm just going to be serving pre-cooked items that just need to be warmed up."

Jonathan Brown: "So if you were to describe this as a light lunch type of fare? Is that a fair description?"

Roberto Marroquin: "Yes."

Jonathan Brown: "And is this the- this next exhibit, is this the mock up of the proposed signage?"

Roberto Marroquin: "Yes."

Jonathan Brown: "Okay. And it identifies the property as Michelle's Cafe? I have copies for everyone, both the front and the side view of the (inaudible)."

Are there other bars and restaurants serving lunches and alcoholic beverages nearby?"

Roberto Marroquin: "Yes."

Supervisor Walter: "Speak into the microphone."

Roberto Marroquin: "Yes. There are."

Jonathan Brown: "And is a CO issued for the use as a luncheonette?"

Roberto Marroquin: "Yes."

Jonathan Brown: "Is- has it been your conclusion that the alcohol sales may become necessary to successfully grow this business?"

Roberto Marroquin: "Yes."

Jonathan Brown: "And how many employees do you plan on employing at this location?"

Roberto Marroquin: "Six to eight, ten maybe."

Jonathan Brown: "And the number of seats that are located in this facility, how many are there?"

Roberto Marroquin: "Thirty."

Jonathan Brown: "And what's your maximum occupancy for this premises?"

Roberto Marroquin: "I believe it's up to 49."

Jonathan Brown: "I have no other questions."

Councilman Dunleavy: "I just have one. The menu that you showed us and you stated that it was a light lunch menu.

What happens after lunch? Does it become just a bar then into the evening then into the night?"

Roberto Marroquin: "No. I'm planning to serve food, you know, from lunch to- "

Councilman Dunleavy: "You're not going to serve any dinner or anything there?"

Roberto Marroquin: "No. Maybe in the future."

Councilman Dunleavy: "If somebody wants a sandwich, they can get a sandwich but that's it."

Jonathan Brown: "I think those of us that practice up the street from there, oftentimes people are leaving at the lunch hour, they need to get a sandwich and return to the courthouse, I think that's certainly one of the uses to which this is going to be put.

Like anybody that's trying to start a business in this town I think you need a certain amount of flexibility as you go forward, see how things develop. There's a certain a small building in an underutilized portion of the town.

I think we all recognize that the Courthouse Restaurant immediately adjacent to the courthouse is a blight on this

community. There used to be a fine restaurant which served essentially a fairly similar menu to this at the courthouse before they closed down years ago.

I think you'll find that around the corner from there is the Digger O'Dell's, serve a light lunch menu. That's sort of what the market seems to want to do in this town, in that area of town.

So you know, is this area limited by the size of the building? Absolutely. You have 30 seats in there, that's not a lot of seats."

Councilman Dunleavy: "What I'm saying that it's a light lunch, Digger O'Dell's you go in there for dinner. A cafe, you're talking about-- by the courts, you could go in there for dinner, too, and of course accessory to the restaurant they have-- had a bar.

And what I'm saying, I know along here, this is a different strip. You have a business that has people that are there all night going in and out of that business and most of them are older females and I'd talking about Relay Communications which is one or two stores from there."

Jonathan Brown: "Relay Communications seems to co-exist rather nicely with Digger O'Dell's around the corner and other similar uses that are there."

Councilman Gabrielsen: "How late would you be staying open?"

Roberto Marroquin: "I don't know the time yet. I don't have a specific time."

Councilman Gabrielsen: "So you would serve this menu, this eatery, 6:00, 7:00 or does the lunch quit at a certain time and it becomes a bar after that? I think John is trying to-- what's the answer?"

Roberto Marroquin: "Yes."

Councilman Gabrielsen: "Right. So you stop serving lunch at what time, three, four o'clock and then that time--

would you still serve the food in the evening?"

Roberto Marroquin: "I would still be serving the same food in the- "

Councilman Gabrielsen: "Until you close?"

Roberto Marroquin: "Yeah. Until I close, yes."

Supervisor Walter: "All right. I know the town attorney has got some questions."

Councilman Wooten: "I have a question for your, Mr. Brown."

I know the state liquor authority sometimes- in their applications they look at hours of operation and stuff like that. As a town, as a special use permit, could we- the town would have some sort of degree that we could maybe look at times of operation and stuff like that? Can we supersede the state?"

Jonathan Brown: "(inaudible) separately advise but I believe the state liquor authority has preempted hours of operation."

Councilman Wooten: "Okay. That's all I need. Thank you."

Robert Kozakiewicz: "That's a good (inaudible) into a question I do have but before we get there, the application- I think you said the size of the building is 20 by 40."

Jonathan Brown: "Approximately."

Robert Kozakiewicz: "The special permit says 891 for the square feet. Is that fair, guesstimate, I'm sorry."

Jonathan Brown: "Yes, it is approximately- it's almost to the- "

Robert Kozakiewicz: "And as I mentioned before, and this is a question for your client, the plans that were on file for the building permit to which the CO was issued showed a

microwave in the area for food prep. Is that correct?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Is there a stove going to be part of those plans?"

Roberto Marroquin: "No."

Robert Kozakiewicz: "No oven?"

Roberto Marroquin: "No."

Robert Kozakiewicz: "Okay. With regard to the SLA or the state liquor authority application, has an application been made?"

Roberto Marroquin: "Sorry?"

Robert Kozakiewicz: "Has an application been made for the state liquor authority?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "And when was that made?"

Roberto Marroquin: "On August 5th, 2010."

Robert Kozakiewicz: "Okay. And was that application made by yourself?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "And under what name was that application filed under? Was it Robert Marroquin or Roberto Tahada (phonetic)."

Roberto Marroquin: "Roberto Tahada."

Robert Kozakiewicz: "Okay. Do you use any other names besides Roberto Tahada and Roberto Marroquin?"

Roberto Marroquin: "My full name is Roberto Carlos Marroquin Tahada."

Robert Kozakiewicz: "Okay."

Supervisor Walter: "Say that again."

Roberto Marroquin: "I was born- "

Supervisor Walter: "When we swore you in, we asked you for your name. I'm a little taken back here. Your full name and spell it out. It's Roberto- "

Roberto Marroquin: "Roberto Marroquin."

Supervisor Walter: "Well, what's the rest of it? You just said- "

Roberto Marroquin: "Roberto Carlos Marroquin Tahada."

Robert Kozakiewicz: "The application that made to the state liquor authority, what name was that made in?"

Roberto Marroquin: "Tahada."

Robert Kozakiewicz: "Tahada. Roberto C. Tahada, correct? Okay."

And who is Rosa Tahada?"

Roberto Marroquin: "She's my mother."

Robert Kozakiewicz: "Okay. Now is Rosa also known as Rosa Herrador (phonetic)?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "And Rosa Herrador is also the landlord's- "

Roberto Marroquin: "She used to be."

Robert Kozakiewicz: "Okay. She no longer has an interest in the property?"

Roberto Marroquin: "No."

Robert Kozakiewicz: "When did she divest herself of interest in the property?"

Roberto Marroquin: "I believe it was in the beginning of this year."

Robert Kozakiewicz: "Okay. And to whom was that divested to?"

Roberto Marroquin: "Mary M. Castro (phonetic)."

Robert Kozakiewicz: "Okay. And that's the sole owner at this time of (inaudible) Realty?"

Roberto Marroquin: "Yes."

Jonathan Brown: "I just would caution that's on information and belief."

Robert Kozakiewicz: "Okay."

Jonathan Brown: "As counsel knows, there were a series of questions to which we responded and we provided much of the information that was along the line of this inquiry."

Robert Kozakiewicz: "We have the lease. Do you have any objection to your responses and the lease being made part of the record today?"

Jonathan Brown: "No. I assumed they would be."

Robert Kozakiewicz: "Okay. Do you want to show this to your client and just have him look at it again?"

Jonathan Brown: "Well actually I have a copy here. He has looked at it and reviewed it. And you'll notice that in the lower right hand corner are his initials, Roberto Marroquin."

Robert Kozakiewicz: "Okay. So you reviewed this with Mr. Brown, Mr. Marroquin?"

Roberto Marroquin: "I'm sorry."

Robert Kozakiewicz: "This document which is the letter from Mr. Brown dated August 24, 2012, those are questions and answers that you went through with Mr. Brown who is standing to your immediate right?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Okay. And you've had a chance to review them before they were sent back to me?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Okay. And you were satisfied that they were fair and accurate?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "On- you indicated that you were employed or I'm not sure, are you currently employed at Fun City Billiards (phonetic)?"

Roberto Marroquin: "Yes, I am."

Robert Kozakiewicz: "How long have you been employed at Fun City Billiards?"

Roberto Marroquin: "About three years."

Robert Kozakiewicz: "Okay. And where is Fun City Billiards located?"

Roberto Marroquin: "In 150 Main street, Hempstead, New York."

Robert Kozakiewicz: "Okay. Now with respect to the SLA application, do you know if that's the address you gave for Fun City Billiards on the SLA application? Do you have any recollection of what you put down on that application?"

Roberto Marroquin: "I can't recall."

Robert Kozakiewicz: "All right. Mr. Brown, if I can approach and have him take a look at (inaudible)."

Okay, Mr. Marroquin, I've handed up to Mr. Brown a copy of portions of the state liquor authority application that was made by Michelle's Cafe and the pages that are referenced are those that your name appears on and your questionnaire is attached.

There is a page which talks about Fun City Billiards and I'm going to ask you if you can look at that and see what the address was they gave on that application."

Jonathan Brown: "It's at paragraph 4, your occupation for the past 10 years, employer address."

Robert Kozakiewicz: "Yes."

Roberto Marroquin: "It's 292 Hidden Acres Path, Wading River, New York."

Robert Kozakiewicz: "Yes. Okay, now I'm a bit confused. Is that the address for Fun City Billiards?"

Roberto Marroquin: "No, it's not."

Robert Kozakiewicz: "Okay. What is that address, if you know?"

Roberto Marroquin: "No, I do not know."

Robert Kozakiewicz: "But that's definitely not the address for Fun City billiards?"

Roberto Marroquin: "No, it's not. I just can't recall that address."

Robert Kozakiewicz: "Okay. Now other than working at Fun City Billiards, have you worked at any other places within the last five years?"

Roberto Marroquin: "Yes, I have."

Robert Kozakiewicz: "Where would that be?"

Roberto Marroquin: "I worked at Payless here in Riverhead and- the shoe store. I've worked at Best Yet

supermarket and then Fun City Billiards."

Robert Kozakiewicz: "Is that- where is it?"

Roberto Marroquin: "Fun City Billiards."

Robert Kozakiewicz: "Did you ever work at the Crystal Bar at 70 West Main Street?"

Roberto Marroquin: "I went there a few times and I help out."

Robert Kozakiewicz: "In what capacity?"

Roberto Marroquin: "I was a DJ."

Robert Kozakiewicz: "Okay. Did you also act as security personnel?"

Roberto Marroquin: "No."

Robert Kozakiewicz: "Okay. Now was that information disclosed to the SLA that you worked at Crystal Bar, if you know?"

Roberto Marroquin: "I'm sorry?"

Robert Kozakiewicz: "Did you disclose that information, that you worked at the Crystal Bar in Riverhead to the SLA?"

Roberto Marroquin: "I don't- I can't- I don't think I did. I'm not sure."

Robert Kozakiewicz: "Okay. Now what's Michelle's Cafe? How does that relate to the other entities which are Rosa's and Adajet (phonetic)? Is that a business assumed name, doing business as? Do you know?"

Roberto Marroquin: "Rosa's Cafe is my business."

Robert Kozakiewicz: "That's your business?"

Roberto Marroquin: "Yes. Rosa's Cafe, yes."

Robert Kozakiewicz: "Adajet, is that a business assumed name, doing business as? Do you know?"

Roberto Marroquin: "Rosa's Cafe is my business."

Robert Kozakiewicz: "That's your business?"

Roberto Marroquin: "Yes. Michelle's Cafe."

Robert Kozakiewicz: "Okay. At any time, did anyone else have an interest in Michelle's Cafe?"

Roberto Marroquin: "No. Never."

Robert Kozakiewicz: "Mr. Brown, I'd like to approach with another document.

Now I've handed up for the record a two page document which is a business certificate for Michelle's Cafe. The document was filed with the Secretary of State and also with the County of Suffolk in August of 2011.

On the top of page two there's a signature page, a printed name and a title I believe. Can you tell me whether that changes your previous testimony you just gave in this proceeding?"

Roberto Marroquin: "No, it does not."

Robert Kozakiewicz: "Who is the listed owner on that document?"

Roberto Marroquin: "That is my stepfather."

Robert Kozakiewicz: "And can you state the name for the record?"

Roberto Marroquin: "Louis Tahada."

Robert Kozakiewicz: "Okay. And who is Louis Tahada?"

Roberto Marroquin: "He is my stepfather."

Robert Kozakiewicz: "Okay. And what else— what other

information is on that document as far as the title? Is there a president? Does it say he's the president?"

Roberto Marroquin: "No, he's not."

Jonathan Brown: "It was a- the certificate of an assumed name is a (inaudible) filing with the state of New York, that Rosa's Cafe, Inc. is going to be assuming the name of Michelle's Cafe. While the document does, in fact, identify Louis Tahada as the vice-president at the time, the client's testimony will stand.

I have seen nothing in the corporate books that indicate that there was any other shareholder, corporate office, legal or equitable owner of this business other than Roberto Marroquin.

And I have to say that we answered your questions truthfully and honestly when your questions were submitted to us and- "

Robert Kozakiewicz: "I didn't have this information, Jon."

Jonathan Brown: "Okay. And frankly I would have appreciated- I assume you got this at some point prior to today and I would have appreciated the opportunity to have responded in a more formal atmosphere."

Robert Kozakiewicz: "I leave that up to the supervisor."

Supervisor Walter: "I'll leave it open."

Jonathan Brown: "(inaudible). And I know that we have an uphill slide here, Supervisor, and I know that we do, we have an uphill fight. Because Louis Tahada had problems and the Crystal Bar was a notorious thing. And I have received assurances from this client that he is the sole owner of this and operator of this business.

This is not a bar. This is 30 seats, a cafe, with an accessory use of alcohol- alcohol service. This is intended as a luncheon outfit. This is not- this is not the Crystal Bar.

And to underline that, a lot of people have come to town and they have made mistakes in their first go around and eventually they get it right. This young man has not been to town. This young man came here to work as you can see from his resume. He worked as a shoe salesman, he's worked at Splish Splash, he's worked at-- he's a hardworking young man who wants to start a business in this town, employ some people, make some money and pay some taxes. And I think this town should welcome him."

Robert Kozakiewicz: "And just to be clear. I am not looking to have guilt by association if that were to be. I am just looking to verify who the applicant is and if it's your client, so be it. And I'll ask a question.

Does Louis Tahada have any interest at all in Adajet Realty, Inc.?"

Roberto Marroquin: "No, he does not."

Robert Kozakiewicz: "Does he have any interest at all in Rosa's Cafe, Inc.?"

Roberto Marroquin: "No. I am the only shareholder."

Robert Kozakiewicz: "Currently and at any time after it was incorporated, would your answer be the same, that Mr. Tahada has never had an interest?"

Jonathan Brown: "Well, with the caution that he, again, I don't want him mis-speaking about something where at some point somebody else identified themselves as the vice-president of this corporation and I do not wish in any way to mislead the town board.

The-- apparently a d/b/a application was made, filed with the state of New York, that identified a third party as a vice-president of this entity. We answered the questions that you put to us earlier and identified that this is the sole owner shareholder of this corporation.

And I would like the opportunity to present the corporate book to the town board for their inspection."

Supervisor Walter: "I will leave it open, the record until September 14th at 4:30 as I do with everything so we'd be happy to take that, just file it with the clerk's office."

Jonathan Brown: "Thank you."

Robert Kozakiewicz: "Well, I mean at this point my question is there are some other documents which I wanted to question Mr. Marroquin on but I can instead exchange them with- "

Supervisor Walter: "I would rather you question him, put it all on the record."

Robert Kozakiewicz: "My question is who is Jeff Zahn if you know?"

Roberto Marroquin: "He's my first- my first architect."

Robert Kozakiewicz: "Okay. And Mr. Zahn- so Mr. Zahn was the one who drew up the plans for submission to the building department?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "You sat with him?"

Roberto Marroquin: "I'm sorry?"

Robert Kozakiewicz: "You sat with him and reviewed the plans?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Okay. And you had occasion to look at them and to determine they were accurate?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Okay. Now I don't- Mr. Brown, you submitted plans today and asked that they be made part of the record. I don't know if they're one and the same that I had so if I could take a second. These are your plans. Page A-1, the second sheet and I'm just questioning the owner information

that was listed by Mr. Zahn.

Who was the owner?"

Jonathan Brown: "If you may, it identifies the property owner as Louis Tahada and the tenant is Michelle's Cafe on that page."

Robert Kozakiewicz: "Okay. And the property address for— or the address for the owner of the property, what is that address?"

Roberto Marroquin: "That's his address."

Robert Kozakiewicz: "And what address is that for the record if you would state it, please?"

Roberto Marroquin: "34 Maidstone Lane, Wading River, New York."

Robert Kozakiewicz: "Okay. Now did you reside at 34 Maidstone Lane, Wading River at any time?"

Roberto Marroquin: "Yes, I did."

Robert Kozakiewicz: "How long?"

Roberto Marroquin: "Since December, 2011. I moved— "

Robert Kozakiewicz: "Since December, 2011 is the current address that you gave."

Roberto Marroquin: "Yeah, 1 Crater Lake Drive."

Robert Kozakiewicz: "Okay. Prior to December, 2011, you resided at 34 Maidstone?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Okay. How long did you live at that address?"

Roberto Marroquin: "About seven to eight years."

Robert Kozakiewicz: "Okay. Now are you— do you have any familiarity with Adajet who are the principals of Adajet Realty, Inc.?"

Roberto Marroquin: "No, I do not."

Robert Kozakiewicz: "Okay. All right. You don't know who established that corporation?"

Roberto Marroquin: "No, I do not."

Robert Kozakiewicz: "Okay. Jon, if you don't have any objection, I would like to make as part of the record a deed that was dated July, 2010 from Espada (phonetic) Realty Corp. to Adajet Realty Corp. and a copy of the RP5217. I'll show that to you just to see if you have any objection. Any objection?"

Jonathan Brown: "No objection."

Robert Kozakiewicz: "Any objection to any of the exhibits which I've presented to your client being admitted into the record as well?"

Jonathan Brown: "No."

Robert Kozakiewicz: "I don't think I have anything further to say."

Supervisor Walter: "I think that there was a question that I had regarding signatures and I'm a little— I wouldn't normally ask this question but I'm a little confused, Jonathan— do you mind if I call you Jonathan?"

Jonathan Brown: "No, (inaudible)."

Supervisor Walter: "I'm a little confused as to the identity of this young man here because he started out saying his name was Roberto Marroquin and then he told us, and I can understand that it was putting the Carlo— you might not use your middle name— then you added Tahada to it."

Is it— does he have identification? I mean— and the reason that I get to this is simply I've looked at some of

these documents that we have obtained and there are signatures from Tahada that appear not to match or there are documents that I shall say- I'll leave it at that.

And so I'm not sure whether this young man has signed Roberto Tahada or something Tahada or Marroquin and here's the link, here's the problem.

I as a town supervisor have no way to know whether this isn't the man that opened Crystal Bar. That was the problem. I have no way of knowing that. You've testified to that but he's also testified that his name is Marroquin, and it's Tahada and Tahada owns this, Tahada owns that.

So I'd like some sort of (inaudible) for the record for myself who this young man is and you don't have to do that now, you can- "

Jonathan Brown: "-- a copy of his driver's license."

Supervisor Walter: "That would be fine."

Jonathan Brown: "I might add that, you know, one of the things in those questions and answers that we previously submitted to the board, we clearly identified that Mr. Tahada, Louis Tahada, is the stepfather. That his given name at birth was Roberto C. Marroquin and that he goes sometimes- this is the man that raised him that he knows. Okay.

He is no longer living with Mr. Tahada, he is living independently. This is his business. This is the business that he wants to open in your town."

Supervisor Walter: "And so you see the issue here for the board. I can't tell from what you've submitted and from what we've pulled from SLA records whether you, in fact, are saying is really accurate.

I understand what you're saying and I understand what you believe but there are signatures that just don't seem to jive if you will with what we're hearing and so if you submit some proof, that would be good because we've already done the Crystal Bar and it was just not good results for the town.

And so there is such a link here it appears that if Mr. Marroquin is not Mr. Tahada, I'm concerned that he is not a straw man for Mr. Tahada and his Crystal Bar again and that's the burden that I think you have to overcome for the special permit because there is, you know, criteria in the special permit, not specifically to that, but there are criteria in the special permit that we have to address."

Jonathan Brown: "I have a concern about the town board painting a too broad a brush here. That the sins whatever they are of the father or the stepfather not because (inaudible).

And Mr. Marroquin did submit a resume to the SLA. The resume shows his prior full time employment. His full time employment is what I would describe as your typical hard working young man's resume and I think it's something that we should be proud of, that he wants to open up a business in this town."

Supervisor Walter: "Do we have that resume?"

Jonathan Brown: "It's attached to the state liquor authority application."

Robert Kozakiewicz: "Are you referring to the questionnaire?"

Jonathan Brown: "No- "

Robert Kozakiewicz: "Because I don't think- I don't have the resume."

Jonathan Brown: "The document that you produced had full time employment attached to it. It's the last three jobs he's had in the last five years."

Robert Kozakiewicz: "That's the questionnaire."

Jonathan Brown: "One of your questions was, you know, had he ever been working at the Crystal Bar and he did go down and help out from time to time. I don't know that he's required to disclose part time employment. His full time employment was disclosed."

Supervisor Walter: "Can I- "

Robert Kozakiewicz: "You want that document?"

Supervisor Walter: "No."

Jonathan Brown: "I thought it was part of the record."

Supervisor Walter: "It may be. I don't have it in front of me."

Fun City Billiards, what is the status of that license with the SLA?"

Robert Kozakiewicz: "I only know what the SLA website says."

Supervisor Walter: "Is that an active license?"

Robert Kozakiewicz: "It's an inactive license according to the SLA website but maybe your client known the status of the liquor license on Fun City Billiards."

Jonathan Brown: "Do you have any information about the status of Fun City?"

Roberto Marroquin: "No, I don't."

Supervisor Walter: "Is it out of- so you don't know whether it's out of business?"

Roberto Marroquin: "Oh, the Fun City Billiards. It's still in business."

Robert Kozakiewicz: "No alcohol being served?"

Roberto Marroquin: "No, they don't own a liquor license."

Robert Kozakiewicz: "That was the question."

Supervisor Walter: "Right. Do you know what happened to the liquor license?"

Roberto Marroquin: "No, I do not. I've been working there for three years."

Supervisor Walter: "Did it have a liquor license when you worked there?"

Roberto Marroquin: "No, never."

Supervisor Walter: "Do we know the status of the liquor license of Fun City Billiards?"

Robert Kozakiewicz: "It's inactive."

Jonathan Brown: "This is Hempstead?"

Robert Kozakiewicz: "Yeah."

Supervisor Walter: "But it's all the same- I don't want to say it's all the same. Somehow it all seems to be the same and, all right."

I don't have any other questions and what I- "

Councilwoman Giglio: "I have one. Because I love Mexican food, it's one of my favorite foods, and I'm looking at this menu here, mozzarella sticks and buffalo wings and boneless wings and tostadas and cheeseburgers and pizza and I'm just, you know, and mini-tacos which are my favorite but I like them deep fried."

So you're going to be cooking all this in a microwave?"

Roberto Marroquin: "Yes."

Councilwoman Giglio: "And this is going to be the most of the business and then the alcohol is going to be secondary to this?"

Roberto Marroquin: "Correct."

Councilwoman Giglio: "Okay. Is this- is the property in the parking district?"

Roberto Marroquin: "Yes."

Councilwoman Giglio: "It is. And I see that there's a (inaudible). Is there going to be single service for the food or is there going to be dishes and forks and knives and things of that nature?"

Roberto Marroquin: "Yes. There are going to be."

Councilwoman Giglio: "Dishes and forks and knives?"

Roberto Marroquin: "Yes, yes."

Councilwoman Giglio: "Okay. And have you made application to the sewer district for the cafe yet for the flow for the number of seats and for the dishes and the dishwasher? Because I didn't see a dishwasher I don't think on the floor plan."

(Some inaudible discussion)

Supervisor Walter: "We can ask our sewer superintendent."

Councilwoman Giglio: "Have you made application to the sewer district yet for the flow based on the number of seats?"

Robert Marroquin: "I think I did. I can't recall that. I'm sorry."

Robert Kozakiewicz: "In the banter back and forth, I don't recall if we ever ascertained the hours of operation. I know counsel indicated there was an application that was made to the state liquor authority that that preempts as far as the service of alcohol.

Do you recall if there were hours of operation listed in that application or not?"

Jonathan Brown: "If you recall."

Roberto Marroquin: "No."

Robert Kozakiewicz: "Okay. If I presented you with the liquor SLA application and had you look through it would that help you recall the hours of operation?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Just so I'm clear. This is not the complete application because there is personal information that's redacted. This is what I was able to obtain so I will hand that over to you, counsel."

And while you're looking through that, I'm also going to look through my copy and see if I can find the page.

If you look for a page that has a 20 handwritten in the upper right hand side at the bottom of the page, it's page 2, this is the information that's with reference to Rosa Gloria Tahada and that's part of the personnel questionnaire with respect to Rosa as well as the following page which is page 3. And I might have mixed them up a little bit."

Jonathan Brown: "Yeah, I'm just not seeing it."

Robert Kozakiewicz: "Okay. We'll do it this way because this is the document that I found it on. I may have copied it and (inaudible)."

Jonathan Brown: "Okay, I just didn't see it."

Robert Kozakiewicz: "(inaudible) that page and the following page."

Mr. Marroquin, have you had a chance to look at that document?"

Roberto Marroquin: "No."

Robert Kozakiewicz: "That's the— have you see that document before? That's part of the SLA application that was made for the on premise liquor license. Does it look familiar to you?"

Roberto Marroquin: "Yes, it does."

Robert Kozakiewicz: "Do you recognize that document as the document that you submitted to the SLA with the assistance of Robert Romano (phonetic)?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Okay. Now looking at those two pages, pages two and three, does that help refresh your recollection as to the stated hours of operation that were given to the SLA?"

Roberto Marroquin: "No. I'm sorry."

Robert Kozakiewicz: "I think it's at the bottom of page two."

Roberto Marroquin: "Sunday through Monday from 12:00 p.m. noon to 12:00 a.m. midnight."

Robert Kozakiewicz: "Okay, so it's just to be clear, seven days a week, noon to midnight?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Okay."

Jonathan Brown: "As required (inaudible)."

Robert Kozakiewicz: "Right. What's that?"

Jonathan Brown: "As required."

Robert Kozakiewicz: "I just wanted- because I would- there was a question as to hours of operation and I'm not sure we ever got out that testimony. I just wanted to make it part of the record.

So that would be the hours of operation or would it be less?"

Roberto Marroquin: "I'm sorry."

Robert Kozakiewicz: "Would it be less? That's what you submitted to the SLA. Would your hours of operation be the same?"

Roberto Marroquin: "Yes."

Robert Kozakiewicz: "Okay."

Supervisor Walter: "What were the hours of operation?"

Robert Kozakiewicz: "Twelve noon to twelve midnight."

Supervisor Walter: "So if the permit were approved, you would accept the condition that limits the operation pursuant to your SLA application to midnight? In other words, you'd have to shut down by midnight. I'm just making that assumption based on your application."

Jonathan Brown: "As I said earlier, I think it's preempted by state law. If it says we have to close at midnight, we have to close at midnight."

Supervisor Walter: "But if we approve the application, then we- "

Jonathan Brown: "If you wish to put the additional condition, frankly it may be- but it's nothing that we can do anything about."

Supervisor Walter: "Bob, do you have any other questions?"

Robert Kozakiewicz: "Not at this time."

Supervisor Walter: "Does anybody from the public- would anybody from the public like to speak on this matter? Yes."

Robert Kozakiewicz: "I have one further question before Jon- do you have any objection to the SLA application that I presented to you, portions of it being made part of the record today here as well?"

Jonathan Brown: "No objection."

Robert Kozakiewicz: "Okay."

Supervisor Walter: "Mr. Kenter. We're going to have to swear you in."

Philip Kenter: "Okay."

Robert Kozakiewicz: "Would you state your name and your address for the record, please?"

Philip Kenter: "My name is Philip J. Kenter. My residential address is 200 Merriots Pond Road, Riverhead, New York. My business address is 145 Griffing Avenue, Riverhead, New York."

Robert Kozakiewicz: "Mr. Kenter, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Philip Kenter: "So help me God."

Robert Kozakiewicz: "Thank you."

Philip Kenter: "Mr. Supervisor, members of the Board, good afternoon."

My name again is Phil Kenter. I am the president of Relay Communications Center located at 145 Griffing Avenue here in Riverhead.

We are a family business that my wife Mary and I established 44 years ago in 1968 along with our three sons and a dedicated staff of predominantly female telephone operators.

We have remained fully operational without interruption 24 hours a day, seven days a week, since that date.

Our staff works various hours day and night and as a matter of safety and convenience they park their vehicles on Griffing Avenue directly opposite our office during the evening and late hour nights.

The purpose of our presentation today is to protest the proposed tavern at 155 Griffing Avenue, a distance of only 40 feet from our office.

We always have been very concerned about the safety of our staff especially when it's dark and they walk to and from their vehicles. Past history in Riverhead has demonstrated that it is not uncommon for patrons of taverns especially those that have since had such problems and have closed or been closed and

primarily at night to have been inebriated, disruptive, abusive and out of control to the extent that people have been shot, accosted, molested, raped, stabbed, killed people, and damaged vehicles.

Additionally, it is an embarrassment to Riverhead for both residents and visitors to witness inebriated individuals stumbling down the streets of our town.

When an inebriated person waits for or notices a female alone, especially one with a set schedule such as our operators at night, there is no doubt as to what such a person in that condition could do. This situation is not limited to our employees. It could happen to anyone as it has in the past.

The adjacent building between our office and the proposed tavern is a retail bridal shop with several second story apartments in which the residents include men, women and children.

We know that the town is very concerned about the children's safety and their protection against kidnaping and molestation. There are many alleyways and dimly spots around the this area that undesirables attracted to this tavern could loiter.

The women could be subjected to harassment, embarrassment, intimidation and/or harm to the extent they would be fearful of the unexpected with inebriated men loitering at or near the entrance of their apartment. In our opinion, no tavern should be allowed adjacent to a residence that rents to men, women and especially children.

In the past, Riverhead has experienced several incidents of violence emanating from taverns. North of the proposed location near the corner of Griffing and Railroad Avenues, was the Caboose tavern in which a person was murdered.

Diagonally opposite our office was the Gambit tavern next to 114 Griffing Avenue that had to be closed because of the many situations that required police presence. Similarly, around the corner of Griffing Avenue at 70 West Main Street was Freddy's Tavern a/k/a the Crystal bar. Because of the many disturbances there that required police presence, the town had

that bar closed also.

According to the local news, farther east on Main Street was the Casa Rica bar that resulted with the town closing it down after a stabbing.

The most recent killing took place outside the Sabor Latino bar located in the motor vehicle department's shopping center.

Based on the many times the town of Riverhead has had to close taverns because of the uncontrollable conduct of its patrons, it is apparent that the proposed tavern could cause similar problems.

Another situation of concern is parking. Currently our evening female staff park their vehicles on Griffing Avenue in front of the Verizon telephone building to be as close as possible to our office door directly opposite their vehicle.

The proposed tavern will necessarily attract several people who will want to park their vehicles close to the tavern. This includes Griffing Avenue in front of the Verizon building, the parking lot adjacent to the proposed tavern and the parking lot opposite our building.

Occupying some of those spaces by tavern patrons will cause our female night operators to park farther away from our office which will substantially reduce their safety and increase the possibility of them being victimized.

We are concerned that if the proposed tavern is approved, our evening staff may consider other employment rather than being subjected to any frightening and dangerous situations. This would adversely affect our business and ultimately our clients.

Still another concern is the large glass windows of all the stores on Griffing Avenue and in particular those adjacent and close to the proposed tavern including our two large front windows.

During an argument among inebriated people, it would not be uncommon to have store or vehicle windows broken as has

happened in the past and evidenced by the broken glass in the parking lots.

When the Gambit was open, someone walked north on Griffing Avenue and totally smashed out our front office window.

There are many more reasons why the proposed tavern should be denied.

Immediately north of the proposed tavern are the court buildings where numerous jurors assemble every day the court is in session. For the most part, those jurors are from other towns.

Their opinion of Riverhead is what they see when they walk south on Griffing Avenue to have lunch at a restaurant on Main Street. To do so requires walking in front of the proposed tavern.

We don't believe this is the impression Riverhead wants its visitors to have.

Another negative factor by having a tavern at the proposed location is the apparent devaluation of real estate in that immediate area and especially the two buildings adjacent to it, including ours.

Banks could easily have a lesser interest in mortgaging such properties and prospective tenants and customers would most likely prefer other locations.

The town of Riverhead does not need another tavern with potential problems of violence. There are several nearby family restaurants with conscientious and responsible management and a very cordial staff where any adult of legal age is welcome to purchase alcoholic beverages in addition to delicious food.

These include Diggers, Tweeds, Cody's, Hi Ting, Parto's, Black Horse, the Rendevous, the Riverhead project, Jerry and the Mermaid, and others.

According to the August 9th News Review article announcing this public hearing, it stated that the applicant's request

included a permit to renovate the interior of the proposed tavern.

To our knowledge there was no building permit posted but it appears that the renovations, furnishings and the installation of a bar have been completed.

The town also should be concerned about patron safety. There appears to be relatively little room in the customers' area inside the proposed tavern.

The application lists the size of the building at 800 square feet, the interior undoubtedly is smaller. However, when you subtract the size of the bar, the space behind the bar for employees, the size of the restroom, and the size of the tables, chairs, and other furnishings, the customer space is substantially reduced.

The town's fire marshal will be inspecting the proposed building to specify and post the maximum number of people allowed in the building and determine if the building and property have adequate egress from the rear of the building and into the parking lot in the event of an emergency and the front door is blocked.

It should be noted that the newly installed fence by the applicant that encloses the building and property has a locked gate that would prevent patrons from quickly exiting the property in the event of a fire and also delay the fire department from entering it until the lock is broken.

The nature of a tavern is such that it attracts a large number of patrons. Based on the available square footage for customers, the proposed tavern may have more people than the space would legally allow, despite any posted occupancy limit sign.

There is a 2006 report written by Scott and Dedel entitled "The problem of assaults in and around bars". This report can be found on the internet at <http://www.popcenter.org/problems/assaultsinbars/>.

The report states in part that some related problems associated with bars and taverns include the following:

1. Assaults motivated by racial, ethnic, sexual orientation, or other bias
2. Binge drinking
3. Disorderly conduct including panhandling, public urination, harassment, intimidation, and passing out in public places
4. Drug dealing
5. Drunken driving caused by customers leaving the bar
6. Gambling
7. Underage drinking
8. Prostitution
9. Drunkenness
10. Allowing bars to establish late closing hours
11. Allowing profanity, sexual activity, rowdiness, excessive noise, gambling, and the presence of weapons.

We recently researched New York State corporate records, New York State liquor authority records, Suffolk County records, and Riverhead correspondence and codes for information pertaining to the operation of a tavern or bar and in particular the proposed tavern.

Our findings that further support our protest for the proposed tavern are as follows:

1. The applicant submitted a disclosure affidavit notarized on March 20, 2012 listing Rosa's Cafe as a corporation and Michelle's Cafe as a d/b/a.

We were unable to find those two entities with the Suffolk County Clerk's records either as a business certificate d/b/a or a corporation with New York State.

The applicant should be required to provide proof of these

entities prior to the March 20th date to verify the validity of his affidavit when it was notarized."

Supervisor Walter: "Mr. Kenter, is that what we just- "

Robert Kozakiewicz: "Is he talking about the d/b/a for Michelle's?"

Supervisor Walter: "I'm just trying to- "

Robert Kozakiewicz: "We found that. That was one of the items that was reviewed earlier. Secretary of State, and then it was filed with the county clerk's office in Suffolk, the Michelle's."

Supervisor Walter: "That was put in the record. I just wanted to- "

Robert Kozakiewicz: "Yes."

Supervisor Walter: "I apologize for interrupting."

Robert Kozakiewicz: "Yes, that was the record."

Philip Kenter: "2. In searching the New York State liquor authority licensing section, we could not find any record of Roberto Marroquin by that name holding a license with them nor was there a record of one pending. And that was the name he used.

3. Question. Did the applicant take the mandatory New York State liquor authority alcohol training awareness class? If so, where is his certification?

4. Question. Did the applicant provide the town with a Good Neighbor Agreement as usually required by most applicants where they propose to operate?

5. Question. Did the applicant provide the town with a certificate of liability insurance and certificate of worker's compensation insurance for the employees according to the related work?

6. Question. Did the applicant consult with the

Riverhead Parking District regarding parking and, if so, did they advise the town board accordingly?

7. Question. Did the applicant consult with the Riverhead Business Improvement District according to Chapters 7-2 and 7-3 of Riverhead town code?"

8. Question. Did the applicant consult with the Riverhead Handicapped Commission to ensure his premises will be handicapped accessible for restrooms and egress as newly renovated buildings require?"

9. Question. Did the applicant consult with the Anti-Litter Advisory Committee that is dedicated to renewing community pride and enhancing the quality of life in Riverhead town by promoting a litter free Riverhead so as to explain how beer bottles and trash will be contained and properly disposed of at that site?

Where will a dumpster be located and is that location approved without reducing parking spaces?

10. Question. Has the applicant been associated in any way, directly or indirectly, with any bars in Riverhead or other communities currently or in the past, whether they have been closed or not?

11. Question. Has the applicant or any of his associates ever had a liquor license revoked or surrendered as a result of bar activity?

12. Question. Will the applicant operate a cafe to cook and serve food for which he originally applied and the name suggests, or, just a tavern for which he now applies?

It is our understanding that a tavern may require a kitchen to make and provide food. If so, there appears to be no room for a Health Department approved kitchen.

13. Question. What will the hours of operation be?

The applicant should be required to answer and/or prove with written certification that he has complied with all thirteen (13) items above before any further consideration is

given; if not, the special permit should be denied.

In addition to the above, the Riverhead planning department in a memorandum to the town board dated May 2, 2012, stated that in accordance with Sections 108-133 (A, B & C) the applicant has not provided definitive information respecting the size or conduct of the use as would affect its intensity such as the hours of operation or whether live entertainment would occur.

There are no specific demonstrations of the use's harmony with the district's orderly development, that the use will not hinder or discourage appropriate development and use of adjacent land and that the operations are not more objectionable to the nearby properties than those of a permitted use.

During the past four or more months, the applicant has never contacted us with reference to any of the above."

Supervisor Walter: "Mr. Kenter, can you- because I think that was what Jonathan Brown was speaking about. Do you have that May 2nd planning board report- "

Philip Kenter: "Yes, I do."

Robert Kozakiewicz: "Was that planning board or building department?"

Philip Kenter: "No. It was the planning department."

Supervisor Walter: "Could you- you're going to give us a copy of everything?"

Philip Kenter: "I have, yes."

Supervisor Walter: "Give us a copy for our records. Thank you. Unfortunately our planning department, half of it is in Hauppauge doing presentation for the regional planning council, otherwise we wouldn't have asked that question.

But if you have that, you can make it available to us and if you have a copy for Mr. Brown. If not, we'll get a copy to Mr. Brown as well."

Philip Kenter: "With reference to the town's resolution 626 and in particular paragraph 4 about SEQR - the site equalitative qualification review, the town of Riverhead has an obligation to the citizens of this community to demonstrate that granting this special permit has no negative impact.

We believe there is enough real as well as circumstantial evidence denoted that this is of issue to our community and should not be summarily approved.

If the town does approve this special permit, it could open the town to liability where it failed to perform due diligence by not properly and thoroughly investigating the application in its entirety for the special permit.

The applicant does not seem to be in compliance with Riverhead town code Chapter 46 about alcoholic beverages; Sections 46-1 to 46-3 in that the premises are too small to accommodate such an occupancy.

That potentially creates a situation where there would be consumption of alcoholic beverages in any public place within the town such as the sidewalk, street, or parking lot.

Therefore, this application causes the potential for an over occupancy situation creating unsafe buildings, structures and dangerous conditions as outlined in the Riverhead town code Chapters 54-4 and 54-8 titled emergency measures to vacate premises.

The proposed tavern offers the potential of crowding, lack of comfort, and this discomfort increases the risks of aggression and violence.

Crowding around the bar creates the risk of accidental bumping and irritation which can also start fights.

Because of these potential problems, patrons of the adjacent and nearby buildings are concerned that their customers will be reluctant to come to their businesses and may choose a competitor in other locations that are more protective.

It is apparent that the proposed tavern would create a low

ratio of staff employees to patrons and that reduces the opportunities for the staff to monitor excessive drinking and aggression.

This site may further tax our already very busy town police department and could jeopardize police officers who would have to respond to the situations described above as they did with the previously referenced bars in the past.

Do we have extra police patrols available to provide a strong presence in that area to handle the potential calls they could receive?

Some other businesses like ours are outraged by the possible opening of this tavern.

They are concerned because they live and work in this community and employ local people who are tax paying citizens; many of whom have grown up in Riverhead and have lived here most, if not all, of their lives and do not want to see this type of establishment at this location.

We further request that the applicant be asked and required to answer the following nine (9) questions:

1. What is the primary theme of this particular tavern?
2. Will it serve food as may be required?
3. What if any entertainment will it offer?
4. Will it provide discounted or free drinks to encourage more drinking?
5. Will there be bouncers? If so, what type of background checks and training will be done or conducted before they are hired?
6. What is the ratio of staff to patrons? Will the staff be properly trained by the New York State liquor authority?
7. Under what circumstances will the bar staff call the police and/or encourage inspectional visits by the police?

8. Are employees trained to recognize the signs of drunkenness, to refuse to serve diplomatically and to defuse aggression? Will they ban known troublemakers from the bar?

9. Will the bar staff check proof of age for underage drinking?

Members of the town board, this is not the right site for the proposed tavern. Please take everything into consideration that I have presented as you deliberate your decision to grant or deny this application for the requested special permit.

If you decide to deny the special permit, it is requested that any subsequent application for a tavern at that site be denied also.

There is an appropriate expression that my father in law frequently used. It states that "without vision, you perish".

It is apparent that potential problems can be seen and could be avoided if there were no tavern.

Two members of this town board are former Riverhead police officers who experienced many of these incidents and realize the magnitude of problems that can result from bar activity.

Based on all the bars in Riverhead that had to be closed due to violence, stabbings and killings; and, in an effort to preserve the integrity of the town of Riverhead and protect the lives and freedom of the people in it, we believe that the Riverhead town board has sufficient reason not to approve the special permit because it is not obligated to do so.

How does approving this tavern improve downtown Riverhead, the image of Riverhead and the future of Riverhead?

In conclusion, we respectfully request that the town of Riverhead deny the applicant a special permit to operate a tavern at 155 Griffing Avenue.

Finally we are pleased to submit herewith 75 signed petitions protesting the special permit for the proposed tavern.

On behalf of our family, our staff, friends and customers, thank you for your kind attention to this very important matter."

Supervisor Walter: "Thank you, Mr. Kenter. Could you— Jonathan, there are some questions that— those last list of questions. I'm not going to ask you to do it now but would it be possible for you to provide brief responses to these nine questions that Mr. Kenter has, because— "

Jonathan Brown: "Mr. Kenter can provide us with the questions we'd be pleased to respond, September 14th— "

Supervisor Walter: "September 14th."

Jonathan Brown: "-- next day or so."

Supervisor Walter: "Well, I think he's got copies of everything right there."

Philip Kenter: "For every member of the town board and the town clerk."

Supervisor Walter: "Okay. What I'd like you to do, Mr. Kenter— "

Philip Kenter: "I also have a copy of the petition."

Supervisor Walter: "-- if you could give a copy of everything, the clerk's copy is fine for me. If you could give a copy to Mr. Brown, those last nine questions would be, you know, the theme, the food, the entertainment, the free drinks, the bouncers, the ratio of patrons to staff and training.

I think those are important questions and if you could provide a written response to us and, Mr. Kenter, that will be available for you as well."

Jonathan Brown: "As I understand it, those are the questions contained on page nine of the presentation?"

(Inaudible comment)

Supervisor Walter: "Yeah, just if you could reaffirm

that. That's- okay, I think those were important points. A lot of the other stuff is stuff that the town has to look- "

Robert Kozakiewicz: "I wanted to address one point. Mr. Kenter referenced the fact that there was work performed at the location. Okay. And I'm not sure if you are aware of this. I know Mr. Brown in an earlier presentation alluded to the fact that there had been a certificate of occupancy issued for the location and you heard that and you are aware of that and you heard that there was a building permit that was filed in connection with that CO? Okay. And that was, it looks like it was made around May 2, 2011 and that was for the interior alterations to turn the existing tenant space into a luncheonette.

And unless you have objection, Jon, I could make these two pages- I'll show them to you- which are the building permit application- "

Jonathan Brown: "I would have submitted them. I didn't view them until now as being relevant to the application but we can submit those."

Robert Kozakiewicz: "You know, so that question gets resolved, we'll - unless there's objection, I'd like to make those two pages which are the building permit application itself the first page and the second page only, not the supporting affidavit, as part of the record."

Jonathan Brown: "And I've known Phil Kenter a long time. I have a lot of respect for Phil Kenter and I thank you for your thoughts.

I would just like to add that I think Mr. Kenter in some substance concluded that there are some good bars and taverns and restaurants in this town and some that are no longer with us.

And we hope to come and open a good one."

Robert Kozakiewicz: "So no objection to this being made part of the record, Jon. Okay."

Councilwoman Giglio: "And Mr. Brown, I'd like to just

ask one question. The building permit that was issued in May of 2011, was that work done? Was it inspected and was a certificate of occupancy issued for that permit? It was.

And do you know when the certificate of occupancy was issued?"

Jonathan Brown: "Last year. I'd have to review my records. The exact date, I believe you have a copy of it."

Robert Kozakiewicz: "The date of the CO is listed as December 28, 2010. However, given the fact that the building permit application was not issued to June of 2011, I believe that it should have been 2011."

Jonathan Brown: "And I might add to Mr. Marroquin's credit, that the condition in the certificate of occupancy that says no tavern- no alcohol sales permitted, is something that he has abided by. He has not opened the business nor has he sold any alcoholic beverages at these premises."

Councilwoman Giglio: "Well, that was going to be my next question."

Jonathan Brown: "Although he has a permit to do so from the State liquor authority, he wanted to come here in good faith and good conscience and present his application to you people so that you would be aware of what it is that he is planning to do with this property. And hopefully be a good citizen in this community."

Now the- I might also add that I don't believe that the building inspector has any authority by town code to include that language in her certificate of occupancy but so be it."

Councilwoman Giglio: "So the certificate of occupancy is dated- so that gave him the permit to open up the luncheonette in December of 2011?"

Robert Kozakiewicz: "I believe the- although it's dated 2010, it should have been 2011."

Jonathan Brown: "I'm in accord with that, yes."

Robert Kozakiewicz: "Okay. And again, no objection to this being made part of the record."

Councilwoman Giglio: "Thank you."

Supervisor Walter: "Anybody else wish to be heard on the matter? Yes."

Felicia Scocozza: "Hello. My name is Felicia Scocozza and I'm the executive director of Riverhead Community Awareness Program and I'd like to submit a couple of copies of an alcohol outlet density map from the state liquor authority."

Supervisor Walter: "Felicia, we're going to have to swear you in."

Robert Kozakiewicz: "I was sleeping here.

Your name and address please."

Felicia Scocozza: "My name is Felicia Scocozza-S-C-O-C-O-Z-Z-A. I reside at 400 Rene Drive in Southold, New York and I work at 542 East Main Street in Riverhead, New York."

Robert Kozakiewicz: "Okay. I'm going to ask you to raise your right hand and repeat after me.

Do you swear that the testimony you are about to give in this hearing will be the truth, the whole truth, and nothing but the truth so help you God?"

Felicia Scocozza: "Yes."

Robert Kozakiewicz: "Thank you."

Felicia Scocozza: "Okay. What I've submitted to you is an alcohol outlet density map of the area surrounding 155 Griffing Avenue, the proposed site of the new tavern which shows a high concentration of alcohol outlets on the surrounding blocks and area.

Let me just remind you that Riverhead CAPS mission is to reduce and prevent alcohol and other substance abuse within the

Riverhead schools and community and I'm here to oppose the special application for the tavern at 155 Griffing Avenue.

The map I gave you was used- it was created using the New York State Liquor Authority's geographical information system mapping and it's also important to note that the map underestimates the number of alcohol outlets in the area because some establishments for some reason, like Digger O'Dell's, are not included on that map.

Research shows that a high concentration of alcohol outlets leads to a variety of serious health and social consequences including violence, alcohol impaired driving, neighborhood disruption and public nuisance activities.

Alcohol outlet density is a significant predictor of violent crime rates.

Research has also shown that when outlets are close together as they are in that area, more underage drinking occurs. By controlling the location of outlet sales to minors can be discouraged and youth safety can be improved.

In 2009 an independent non-federal test for some community prevention services found sufficient evidence of a positive association between outlet density and excessive alcohol consumption and related harms to recommend limiting alcohol outlet density through the use of regulatory authority like the town board.

The Riverhead town board has an important opportunity to demonstrate leadership in reducing the consequences resulting from alcohol outlet density and thus improving community safety, health and well being.

Thank you."

Supervisor Walter: "Thank you. Would anybody else--"

Councilman Dunleavy: "Thank you."

Felicia Scocozza: "Oh, you welcome."

Supervisor Walter: "Anybody else wish to be heard on

this? Yes, sir. Come up. You figure it out."

Karen Hogue: "Good afternoon. My name is Karen Hogue (phonetic). I reside at 350 Willetts Drive in Mattituck, New York and I'm an associate with the law firm of Twomey, Latham, Shea and 2nd Street Associates LLC located at 33 West Second Street in Riverhead.

Our offices are located across the street from the proposed tavern use."

Supervisor Walter: "Miss Hogue, are you an attorney?"

Karen Hogue: "Yes, I am."

Councilman Dunleavy: "Could you raise that microphone up a little bit? There you go. Thank you."

Karen Hogue: "Okay. For the record, Twomey, Latham, Shea and 2nd Street Associates LLC is firmly opposed to the application for a special permit for a tavern use at 155 Griffing Avenue.

In reviewing the application, I would like again to call the board's attention to the various ambiguities in the application, some of which the board has tried to clarify.

The owner of the property is Adajet Realty, however, it is unclear who the actual principals of this entity are.

The chairman listed on the corporate filings is listed as Roas Herrada Tehada and she signed the notice of consent as owner and landlord in March, 2012 as part of this application.

Based on the testimony that was presented today, it is my understanding that she is not the owner. However, the notice of consent was signed as if she were in March of 2012, and I think that the board needs to address that and get an answer to that question.

The short form environmental assessment filed with the application states that the proposal is for a restaurant slash tavern. This is also inconsistent with the testimony.

The board needs to be very clear about what is being proposed in the application. There are different standards for each under the code.

Pursuant to the town code, a tavern is mainly a bar, saloon, cabaret or nightclub. A restaurant is a permitted use in a DC-1 zone and as defined under the code as having its sole purpose food preparation and specifically excluded from the restaurant definition is any form of tavern, nightclub or similar entertainment establishment.

In sum, you can't have a restaurant in a tavern use under the town code. It is one or the other.

The testimony presented also refers to the- to the use as being a luncheonette outfit. A luncheonette and cafe are undefined in the town code.

Again, I need to remind the board that the application states that it is for a tavern use. However, based upon the testimony that was submitted today, it does not appear that it is a- it appears that they are trying to couch the term luncheonette outfit when what they're really asking for is a tavern use.

Serving and selling microwave'd food at night does not deem it a luncheonette.

Pursuant to town code 108-133-3 each application for a special permit use shall contain information that the use will be in harmony with the appropriate and orderly development of the DC-1 district, that the specially permitted use is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings and that the use will not be quote more objectionable to nearby properties than with the operation of a permitted use not requiring a special use.

This is a heavy burden. A tavern use is far more objectionable than any of the permitted uses under the town code.

The offices of Twomey, Latham, Shea are located in an intersection of West 2nd Street and Griffing Avenue where

there's a high concentration of professional business office staff.

The permitted uses in this area are retail stores, banks, restaurants, cafes, bakeries, theaters, museums and art gallery. The applicant has not fulfilled his burden of establishing that a tavern use isn't more objectionable.

The applicant must prove various criteria to the town board. Pursuant to Section 108-133.5A the site has to be suitable for the location of the use. It is actually not.

The existing landowners do not believe that a tavern in the middle of Griffing Avenue adjacent to a professional office building with clients and professionals coming and going is suitable.

Pursuant to Section 108-133.5 Section C, the characteristics are not such that the proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.

The proposed tavern use is unsuitably near to a place of public assembly. The Supreme Court building is only one property away from the proposed tavern use and is a place of public assembly.

Court personnel, attorneys, jurors and other professionals are in and out of the building all the time and frequent the public parking lot adjacent to the proposed tavern use.

Pursuant to Section 108.133.5 Section K, adequate provisions will be made for the collection and disposal of storm water runoff from the site and of sanitary sewage, refuse or other waste whether liquid, solid, gaseous or other character.

This is an engineering question and the applicant hasn't satisfied this and produced evidence of how this will be provided.

Section 108.133-5 Section M, the use will tend to generate or accumulate dirt or refuse or tend to create any type of environmental pollution including noise.

As pointed out in the planning department's memo, a tavern use will bring additional noise concerns. No information has been provided to the board as to whether there will be live music or late entertainment or even outdoor entertainment.

Even if there was no late night entertainment from inside, a tavern use would impact outside areas and allow people to congregate outside in the streets, sidewalks, and parking lot area.

A tavern use would adversely impact the area's character. Although the area is comprised of commercial businesses, the board must ask itself does downtown Riverhead need another establishment in this area that serves or sells alcohol?

The area between Main Street and Griffing Avenue is saturated with restaurants, bodegas, delis, all of which sell alcohol and are open at night.

There's Digger O'Dells, (inaudible), Hy Ting, the bodega on Main Street, Time Out Deli and the Polish deli.

As there is already a degree of violence and crime on Main Street in this area, adding a tavern in this location would cause the violence and criminal activity to spread to the offices area of the business districts.

Offices such as Twomey, Latham, the Supreme Court, Edwin Fischel Tuccio (phonetic) real estate offices and the Suffolk County National Bank will certainly be impacted by a tavern use in this location.

The tavern use is not consistent with our character at West Second Street and Griffing Avenue. We are professional offices. We have clients and staff that enter the building on the handicap ramp which is located on Griffing Avenue.

Twomey Latham employs over 50 employees. Out of those employees, 27 are female. Our female employees frequently leave in the dark, often late at night, and to have a tavern use in this area will undoubtedly spread these violent conditions which are already a problem on Main Street further up Griffing Avenue.

I myself have been nervous walking to my car. People congregate in the public parking lot and on Griffing Avenue.

At a minimum, the board must consult with the town police department so that they are fully informed about how the character of the area will be impacted if a tavern use is allowed.

In regard to parking, it is presumed that patrons would utilize the public parking area adjacent to the building as the application does not state where parking will be located.

There have been many accidents out of the public parking lot onto Griffing Avenue and onto Main Street due to sight lines. With many vehicles parking in the street on Griffing Avenue and Main Street, the line of sight when exiting the public parking lot can sometimes be obstructed especially at night and especially after consuming alcohol.

Pursuant to Section 108-133.7 the town board shall determine that (a) the use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood.

The proposed tavern use will substantially impair our firm's use and the use of the other businesses in our community

Under Section B the hazards or disadvantages to the neighborhood from the location of such use of the property are outweighed by the advantage to be gained either by this neighborhood or the town. There are no advantages to the community to have a tavern use in this location. We don't need one more establishment selling or serving alcohol.

Under Section C the health, safety, welfare, comfort, convenience and order of the town will not be adversely affected by the authorized use.

As previously stated, there are severe safety concerns and a tavern use will substantially impact the business community. It will impact our staff members, it will also impact our clientele.

Under Section 108-133.7D such use will be in harmony and promote the general purpose and intent of the chapter. The tavern use surrounded by professional office space will not be in harmony with the neighborhood.

Again, I need to remind the board that there is a professional— that there are professional offices at the corner of West Second Street and Griffing Avenue adjacent to where the proposed tavern would be.

For the above reasons, we strongly request that the application for a tavern use be denied for 155 Griffing Avenue in Riverhead.

Thank you for your attention."

Supervisor Walter: "Miss Hogue, could— do you have a copy of that that you could submit written into the record or we'll make a copy."

Karen Hogue: "I can type a clean copy up for you."

Supervisor Walter: "That would be fine. If you'd like to make a written submission, that would be fine."

Karen Hogue: "I would like to make a written submission so I will do that. And I would also like to attach the notice of consent that was signed as Ms. Herrador as the owner and landowner of Rosa's— I'm sorry, Adajet Realty."

Supervisor Walter: "That would be fine. I think— "

Robert Kozakiewicz: "Is that the special permit application?"

Karen Hogue: "Yes. It is."

Robert Kozakiewicz: "I believe that application is already part of the town clerk records."

Supervisor Walter: "You can resubmit it— "

Robert Kozakiewicz: "If you want to resubmit it, that's— "

Karen Hogue: "And it is my understanding that the record will be kept open until September 14th?"

Supervisor Walter: "Correct. At 4:30 in the town clerk's office."

Karen Hogue: "Okay. I know that there are some additional professional office- businesses that would also like to submit something in writing so I can advise that at that time, they have until the 14th?"

Supervisor Walter: "Yes. And if- this is a side issue, but I want everybody to feel safe downtown so if there are issues that you are aware of, the police chief is- where did he go? He's probably right in the back hallway there.

If you want to talk to the police chief, we will do what we can to make sure you are safe when you leave the building and feel safe. I think you are safe, but feel safe. And we have done some things for other people so if there's- I don't ever want that to be an issue.

So if there's issues, please contact the police chief or contact me and the sidebar has nothing to do with this hearing but I want to make sure you guys feel safe."

Karen Hogue: "Thank you. I appreciate that.

One of the big concerns is the testimony today keeps referring to this place as being a luncheonette and they're going to have a microwave and microwave all this food, and you know based upon the application that was submitted to the town board, this does not seem to be consistent with the application and I think that the town- that the applicant has a heavy burden of proof to satisfy the town board.

And I just wanted to, you know, remind the board that there are a lot of unanswered questions in terms of this application."

Supervisor Walter: "Thank you."

Robert Kozakiewicz: "Before you leave the podium, I do have a copy of an application for a special permit consisting

of two pages. I have a notice of consent listing a Rosa Herrador with a signature below that appears to be Rosa Herrador with a notarization. And a disclosure affidavit from Robert Marroquin.

I can hand that to you and have you and Mr. Brown look at it and if there's no objection, we could make it part of the record today rather than you have to submit it."

Karen Hogue: "Okay."

Robert Kozakiewicz: "I have it. Any objection from counsel?"

Supervisor Walter: "I apologize. Our paths haven't crossed as attorneys, not that I know every attorney in Riverhead but I try to know as many as possible so I do apologize."

Karen Hogue: "Well, it's a pleasure to meet you."

Councilman Dunleavy: "And thank you."

Supervisor Walter: "My pleasure as well. Thank you."

Karen Hogue: "Thank you."

Supervisor Walter: "Does anybody else wish to be heard on this matter? Yes, sir."

Hollis Warner: "My name is Hollis Warner and I have a business on- "

Supervisor Walter: "Bob, if you could raise- swear Mr. Warner."

Robert Kozakiewicz: "I'm going to ask him for his- he just gave us his name. Your address, if you want to give both residence and business and then I'm going to have you sworn.

Would you state your name again for the record?"

Hollis Warner: "My name is Hollis Warner. I live at 37 Circle Drive in Riverhead and the business is located at 129

Griffing Avenue, Riverhead."

Robert Kozakiewicz: "Okay. You already have your right hand raised so would you repeat after me?

Do you swear the testimony you are about to give in this hearing will be the whole truth, nothing but the truth, so help you God?"

Hollis Warner: "So help me God."

Robert Kozakiewicz: "Thank you."

Hollis Warner: "Just want- I've never been in a hearing like this before or whatever you call it. And I just wanted to say I was really impressed with this young man and his attorney representing him because I'd like to see more people starting businesses and taking a chance.

And the hard working part, I really appreciate the fact that we want to serve food, I really appreciate. I don't know about just microwave and all that but I didn't come here- I just found that stuff out here.

What I came was because of we have a business there and we're concerned with- as it is now, we pick up- "

Supervisor Walter: "Would you state what your business is for the record so everybody can- "

Hollis Warner: "Oh, the business is George Hill Moore Peconic Monument Works (phonetic). We're a cemetery monument sales and installation business that was established in Riverhead town in 1842 and I'm- I wasn't there at that time. "

We got little stickers, we're 170 years this year. But as a regular routine we pick up litter on the street and that's not a big deal, we have to do it. But we also have to pick up beer cans today and that stuff on the sidewalk has nothing to do with a bar.

But what drinking and intoxicated people do is they visit our alley which Mr. Kenter alluded to and so we are in the regular routine of picking up volumes of beer cans, volumes of

booze bottles, human waste and condoms and other unmentionables that- and the police are well aware of- we've talked to them, we have a first name basis with several of them that walk through the alley and so forth.

But a bar, I mean food is good. I like- I don't always make my lunch at home so I love to be able to buy lunch close and not have to go far, I love that. But the whole idea- I got this thing out of the paper that it was a special permit that's being requested.

It's not something that's a regular- you guys have to give them special permission to do this. I don't want you to. If it's something where they're going to serve food or they're going to, you know, clean clothes what they used to do, or fix shoes, no problem.

But if they're going to serve- this says there's going to be intoxicating liquids sold to be drunk on the premises. I don't want to see that happen.

Honestly if I don't go to a place for lunch, if it's just going to be microwaving, I can do that at home. I go out to food to buy lunch, you know, it's a little more substantial. And I appreciate the fact that you want to do- provide this service. I just want it to be something a little bit more less- I don't have a good use of the English language, but I don't want- I want it to be more uplifting to the community and less potentially damaging to this community.

I appreciate the opportunity to speak and I wish you well."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "Does anybody else wish to be heard on this subject? Okay. Not seeing anybody, I'll close the public comment portion- Jonathan, did you want to speak again or are you just going to respond in writing to those- okay.

Not seeing anybody, I'll close the public hearing portion at 4:03 and leave it open for written comment until September 14th at 4:30 in the town clerk's office.

Thank you, sir. Thank you, Mr. Marroquin."

Public hearing closed: 4:03 p.m.

Left open for 10 days for written
comment to September 14, 2012, at
4:30 in the town clerk's office

Public hearing opened: 4:03 p.m.

Supervisor Walter: "We have a couple more public
hearings."

Robert Kozakiewicz: "Two more."

Supervisor Walter: "Two more. Okay. The next one was
scheduled for 2:25, it is now 4:03; 4:03 having arrived and
this is a consideration to grant the right for use of municipal
facilities such as the skate park at Stotsky Park, Riverhead,
New York by Ms. Denise Lucas for an event to benefit MTAS (Move
the Animal Shelter) on September 22, 2012.

I don't see Miss Lucas. Not seeing anybody, if nobody
wishes to be heard, we'll leave it open for written comment
until September 14th, 4:30 p.m.

I'll close the hearing at 4:04 p.m.

Public hearing closed: 4:04 p.m.

Left open for 10 days for written
comment to September 14, 2012, at

4:30 in the town clerk's office

Public hearing opened: 4:04 p.m.

Supervisor Walter: "2:30 having arrived, it is now 4:04

and we'll open the public hearing regarding the consideration of a local law amending the parking schedule 108 attachment 1 to Chapter 108 of the Riverhead town code entitled zoning.

And this was- "

Robert Kozakiewicz: "This was from the code revision committee and what it was is a little bit of a cleanup if you will.

I believe in 2011, they had gone back to 2010 at this point, we changed the definition for area commercial under section 108-3 of the zoning ordinance to exclude certain areas when floor area gets calculated.

It was brought to our attention at code revision that we should reference that in the parking schedule attachment so that applicants and land use professionals referring to that schedule for purposes of figuring out what the floor ratio-floor area should be for computation to the town-- for submission to the town to refer it to 108-3.

So that's just a matter of buttoning up."

Supervisor Walter: "Okay. Does anybody else wish to be heard on this matter? Not seeing anybody, it's 4:05, I'll close the public hearing and leave it open for written comment until September 14th at 4:30 in the town clerk's office."

Public hearing closed: 4:05 p.m.

Left open for 10 days for written
comment to September 14, 2012 at
4:30 p.m. in the town clerk's office

Supervisor Walter: "Now we'll take up any comments on resolutions. If nobody, excuse me, wants to be heard on resolutions, then let's go to the resolutions."

Councilman Dunleavy: "Sal's not here. We're in trouble."

Resolution #680

Councilman Dunleavy: "2011 general fund debt service budget adjustment. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #681

Councilman Wooten: "It's a 2011 general fund budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #682

Councilman Gabrielsen: "2011 highway district budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #683

Councilwoman Giglio: "2012 general fund budget adjustment police cars. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #684

Councilman Dunleavy: "Water department budget adjustment. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #685

Councilman Wooten: "Authorizes town clerk to publish and post the attached notice to bidders for the Weeping Willow Park improvement project. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #686

Councilman Gabrielsen: "Awards bid on 2012 wheel loader. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #687

Councilwoman Giglio: "Authorizes the town clerk to advertise for bids on an EZ liner traffic paint striping

machine or equal. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #688

Councilman Dunleavy: "Auction of town's disposed assets. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #689

Councilman Wooten: "Appoints an accountant. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, no; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. A few years ago we were audited and the recommendation was that we have this accountant so I'm following the recommendation from the-- from our accountant.

So I vote yes."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "I just would comment that this is budget neutral because we had the resignation and it eliminates-- budget neutral for this year and the resignation

and it eliminates the \$20,000 that we used outside services for.

So I vote yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #690

Councilman Gabrielsen: "Appoints Laurie Zaneski to fill vacancy in position of tax receiver for the town of Riverhead. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "We have to keep consistency in the office and the tax bills are going out December 1st and I feel it's important that we have a receiver of taxes.

I'll vote yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, of course, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #691

Councilman Gabrielsen: "Appoints a part time crossing guard. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #692

Councilman Dunleavy: "Amends the terms of Resolution #310. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #693

Councilman Wooten: "Accepts the resignation of a homemaker. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #694

Councilman Gabrielsen: "Appoints a seasonal traffic control officer to the Riverhead town police department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #695

Councilwoman Giglio: "Appoints a part time traffic control specialist to the Riverhead town police department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #696

Councilman Dunleavy: "Appoints a part time homemaker to the seniors program. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #697

Councilman Wooten: "This classifies action and declares lead agency on proposed zoning amendments and amendment to the town of Riverhead comprehensive plan applicable to the Wading River Route 25A corridor. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #698

Councilman Gabrielsen: "Authorization to publish advertisement for janitorial supplies for the town of Riverhead. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "This is like the fourth time we're doing this. Hope we get some (inaudible). Yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter."

Supervisor Walter: "Yes. Maybe we need some wider

distribution of our ads, our advertisements."

Diane Wilhelm: "The resolution is adopted."

Resolution #699

Councilwoman Giglio: "Appoints as assistant recreation leader I level I skate park to the recreation department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #700

Councilman Dunleavy: "Authorizes town clerk to publish and post public notice of public hearing to consider a proposed local law for an amendment of Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, Section 101-3 stop and yield intersection; parking fields. So moved."

Councilman Wooten: "Second."

Supervisor, Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #701

Councilman Wooten: "This actually adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code specifically 101-17 parking by permit and 101-12 no parking certain hours roads leading to the water. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #702

Councilman Gabrielsen: "Adopts a local law amending Chapter 106 entitled Waterways of the Riverhead town code. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #703

Councilwoman Giglio: "Authorizes the supervisor to execute an inter-municipal agreement with the Riverhead Central School District to provide mutual aid and assistance during disasters, renewal for 2012. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #704

Councilman Dunleavy: "Authorizes the supervisor to execute an addendum to the agreement with the Riverhead Fire District regarding fuel services. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #705

Councilman Wooten: "Authorizes the supervisor on behalf of the Community Development Agency and town of Riverhead to execute agreement with LIPA and National Grid to utilize property at EPCAL to store vehicles and equipment necessary to respond to power outages caused by weather emergencies. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #706

Councilman Gabrielsen: "Authorization to extend submission deadline for a request for proposals for medical transportation billing and reimbursement services on behalf of the town of Riverhead Ambulance District. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, no; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution is adopted."

Resolution #707

Councilwoman Giglio: "Approves Chapter 90 application of Darkside Productions Inc, haunted house walk through - September 28th through November 4, 2012. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #708

Councilman Dunleavy: "Approves Chapter 90 application of

Dean Delprete, 5K race and obstacle course September 8, 2012.
So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;
Dunleavy, yes; Walter."

Supervisor Walter: "So three of us have pronounced this
gentleman's last name and every one of us has said it
differently. I wonder how he pronounces it.

Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #709

Councilman Wooten: "Approves the Chapter 90 application
of Hallockville Inc. country style fair - September 15 and 16,
2012. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;
Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #710

Councilman Gabrielsen: "Approves Chapter 90 application
of Riverhead MTAS Inc. bike expo and competition - September
22, 2012. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;
Dunleavy."

Councilman Dunleavy: "Is this what we just had the public hearing on? Can we do this now or did you leave it open?"

Supervisor Walter: "This is a Chapter 90. This is not using the-- this is not using the skate park-- "

Councilman Dunleavy: "To be held at."

Diane Wilhelm: "It does say that."

Supervisor Walter: "Okay, left it open."

Robert Kozakiewicz: "We can adopt it subject to-- "

Supervisor Walter: "Adopt it to subject to-- "

Robert Kozakiewicz: "I don't think you're going to have any objection to-- "

Councilman Dunleavy: "Well, we don't have no objection to it but I'm just, you know, procedure-wise, I'm just questioning procedure-wise."

Supervisor Walter: "You're right."

Robert Kozakiewicz: "You bring a good point. We have that open issue."

Councilman Wooten: "That's to the 14th, right?"

Supervisor Walter: "Okay, well. There's a vote on the floor."

Councilwoman Giglio: "Do you want to table it?"

Supervisor Walter: "We can't. There's a vote on the floor. We've got to continue the vote so what was it, yes, yes, yes."

Diane Wilhelm: "We're up to John."

Councilman Dunleavy: "Mine is yes."

Diane Wilhelm: "Walter, yes."

Councilman Dunleavy: "I'm just watching the procedure."

Supervisor Walter: "I am too."

Diane Wilhelm: "The resolution is adopted."

Supervisor Walter: "And I'll get a question from the attorney in the audience later probably."

Diane Wilhelm: "Resolution 710 is adopted."

Resolution #711

Councilman Gabrielsen: "Authorization to publish advertisement for purchase of there 2011 Ford Crown Victoria police interceptor vehicles and an undesignated quantity of newly manufactured Ford police interceptor sedans for use by the town of Riverhead police department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "An undesignated quantity of newly manufactured-- "

Supervisor Walter: "We're not buying more than three. We left it open."

Councilman Dunleavy: "In case they find any more money."

Councilman Wooten: "Yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #712

Councilman Dunleavy: "Authorizes the town clerk to publish and post a public notice to consider a local law to

amend Chapter 110 entitled Stormwater Management and Erosion and Sediment Control of the Riverhead town code. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #713

Councilman Wooten: "Reappoints member to the recreation advisory committee. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "Who is this?"

Councilman Gabrielsen: "Marge Acevedo, she's the secretary-- she's been there for a while. She does good work."

Councilman Wooten: "Yes."

The Vote (Cont'd.): "Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #714

Councilman Gabrielsen: "Reappoints member to the recreation advisory committee. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "I just want to thank Ron Schmitt. He's been on that committee for 18 years now. We are

running even, we got on at the same time. I was 16 (inaudible) 18 years.

Yes."

The Vote (Cont'd.): "Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #715

Councilwoman Giglio: "Authorizes the town clerk to publish and post public notice to bidders for winter meters and accessory equipment or reasonable equivalent and repairs to meter reading equipment to be used by the Riverhead water district. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "Okay. Before we move the next one this surplus ground yard waste, I think only giving them until the 25th and Lord knows we have enough of it but only give them until the 25th, is a pretty short time, don't you think?"

Councilman Wooten: "Receive the bids for it?"

Councilman Dunleavy: "Today is the 5th, that's 20 days. Well actually it's only two weeks."

Supervisor Walter: "So it will go in the paper on the 13th, yeah, I think we should extend this out, sometime, you know, give 30 days, what's-- October 12th would be, yeah, October 12th is a Friday.

You don't want to do- "

Diane Wilhelm: "No, that's fine. That's okay."

Supervisor Walter: "Either the 12th or the 15th. I think we should do 30 days on this. The 12th or the 15th, Friday or

Monday, what is your pleasure? Friday."

Diane Wilhelm: "Friday. Okay, so that's the- "

Supervisor Walter: "It will be opened on 11:10 a.m. on October 12th."

Diane Wilhelm: "October 12th, 11:10 a.m. Okay."

Supervisor Walter: "So you have to replace that in both places."

Diane Wilhelm: "Not the 25th but the 12th of October."

Supervisor Walter: "Okay, can we move that as amended?"

Resolution #716

Councilman Dunleavy: "Authorization to publish and advertisement for sale of surplus ground yard waste, as amended. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, as amended, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #717

Supervisor Walter: "Here's another one that we didn't discuss. Extends bid contract for disposal of town of Riverhead municipal solid waste."

Councilman Dunleavy: "It's only for 90 days. Did it go out to bid?"

Councilman Wooten: "They've been getting 90 days for the last 90 years."

Supervisor Walter: "I want to table this. Yeah, let's table this and find out what's going on."

(Some inaudible discussion)

Supervisor Walter: "Tara, I think we're going to table 717. We didn't discuss it. I don't know why- "

Tara: (Inaudible)

Robert Kozakiewicz: "Yeah, because this one looks like it's already coming to an expiration."

(Some inaudible discussion)

Supervisor Walter: "Okay. Diane, let's call 178 out of order."

Resolution #718

Councilman Gabrielsen: "Pays bills. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded as to paying bills."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "Okay. We're going to hold off on 717. Does anybody wish to discuss any matter before the town board?

Yes, sir, come on up."

Councilwoman Giglio: "My kids' retired bus driver."

Nicholas DePierro: "Kind of semi-retired. After I get through with what I have to say, you're probably going to be glad that I'm not fully employed because I have a couple of questions."

Diane Wilhelm: "Can you give your name first?"

Nicholas DePierro: "Nicholas DePierro from Wading River."

There is a sidewalk grant that's currently being kicked around in Wading River and the thought is to have that transferred to another portion of Riverhead town."

Supervisor Walter: "There's a grant to put a sidewalk on Wading River Manor Road and North Country Road that connects 25 to the duck ponds."

Nicholas DePierro: "Yes, I know all about that."

Supervisor Walter: "In order to do that, I've met with the state, talked to them, all- I don't want to say all but most- it's supposed to be on the east side. The fieldstone walls will be taken down and concrete walls would be put up.

So I'm not in favor of that. Most- let me finish. Most of the board are not in favor of that. So one of the things that we talked about was you have to touch 25A or you can't use the grant, or a state road. It has to touch and concern a state road.

So a couple things were discussed. One, we probably don't have enough money to finish the sidewalks on Main Street, downtown Riverhead, so if you don't finish the sidewalks on Main Street you've got sort of a half project.

The other thing that was discussed was to try to straighten out the North Country Road Wading River Manor Road intersection and then another thing that was discussed and dismissed, but we're going to re-discuss is the drainage to the duck ponds and then a bike path was discussed.

So no decisions have been made."

Nicholas DePierro: "Okay. What I want to ask you about. You had mentioned something about being a fool type of thing that was done. I was just wondering if you ever found out who the fool was who contemplated doing something like this because it would entail a huge undertaking on that road."

Supervisor Walter: "Oh, it's- "

Nicholas DePierro: "I was never in favor of that myself but has anyone ever considered that the portion of Wading River

Manor Road does go on the south side of Route 25A as well as the north side of 25A and why can't part of that grant be used to- I've seen sidewalks to nowhere but this would not be a sidewalk to nowhere that I'm proposing.

A sidewalk from where the Harden Insurance Agency (phonetic) is to the Wading River School, okay. That would be a portion of a sidewalk that would help out whoever goes to that school if they want to walk down to maybe the corner or perhaps go to the shopping center that is over there.

Or many years- several years ago, there was a big development done on the north side of 25A on Wading River Manor Road. There is a lot of foot traffic now I see, perhaps no one else notices it but I see it. I used to live in that section of Wading- off of Wading River Manor Road, on the south side I'm talking about.

Now why can't- again I just mentioned a portion of a sidewalk from 25A north to the school, and why can't another portion of that sidewalk be built on the east side of Wading River Manor Road, southeast side let's put it that way, southeast side up to Long Pond Road because there's a lot of foot traffic over there as well.

And then that grant could be used in Wading River because what I'd like to see what belongs to Wading River should remain in Wading River.

I know George Gabrielsen would like to see some of that grant money used over in Jamesport. But we have that now designated for Wading River. I'd like to see it stay there."

Supervisor Walter: "That is certainly something that we could address. You could extend it down- that one- in front of what is it, Barbado Nursery, you could extend it, that would make sense. And you could extend it to-- the post office has sidewalks and Hess has sidewalks and you could extend it to the school.

Nobody- well, I do but- Sid Bail, there's a couple people that walk there but you could extend it there.

Nick, the thing- you don't mind if I call you Nick?"

Nicholas DePierro: "No. I don't mind at all."

Supervisor Walter: "The thing is I want to get the biggest bang for the buck and I don't want to do what I call the fool's errand- we're just not going to do that. And I- so if I could do that, that's a good idea. So if we could- when I talk to the state again about this, if we could do- change it up and do that, that might make some degree of sense because it touches different sidewalks."

Nicholas DePierro: "It touches Route 25A also which you need. And there is part of a sidewalk now in front of the post office and then it stops. Okay."

Councilwoman Giglio: "There's a lot of kids ride their bikes from the Hess station- "

Nicholas DePierro: "Yeah, yeah. I see a lot of walkers there also."

Supervisor Walter: "That's a good idea. I will talk- maybe we can do it that way. If we could do it for drainage for the duck ponds that would probably be my druthers- "

Nicholas DePierro: "Well, the duck ponds was going to be my last issue that I address because that portion of the duck ponds in Riverhead town is beginning to look like a sump. It's really looking bad."

Supervisor Walter: "All of the duck ponds are in the Brookhaven town. The only- there's only a little bit of the bulkheading in and I'm going to probably- one of the duck ponds with the bulkheading is us, the rest of it is all Brookhaven."

Nicholas DePierro: "Oh, I thought one was in Riverhead town, the other one was in Brookhaven."

Supervisor Walter: "No. All of our drainage from my office down and from practically the cemetery down goes there so one of- Jill Lewis who lives there, one of her ideas was why don't we- because that touches and concerns 25A too because the water is almost coming down from 25A, almost.

Maybe we could use it to correct drainage that not all the

water goes into- "

Nicholas DePierro: "Well, that's another issue, that drainage that goes into the duck ponds.

If you have ever been on that road and when you have a heavy rainstorm, it's almost like a very hard steady stream going down to where- "

Councilman Dunleavy: "A river."

Nicholas DePierro: "Yeah. Where Brookhaven town is just-- their renovation to that one pond."

Councilman Dunleavy: "We have only 10% of the duck pond in the town of Riverhead. Ten percent."

Supervisor Walter: "I think it's just some of the bulkheading.

Well we put this question to the civic when they were having a meeting. Nick, I don't know if you're part of the civic but if you go to the meeting you could suggest it. Sid Bail is going to come back."

Nicholas DePierro: "I was on the blog yesterday about, you know, when you have the work session, I was following that on the blog.

I made a couple of comments on the blog but nobody paid attention to it- "

Supervisor Walter: "I can't get the e-mails- "

Councilman Wooten: "There's no truth in reporting when he's out there."

Nicholas DePierro: "Okay. One other issue that I would like to address is where McDonald's is and Walgreens. Okay. The flooding. Now I don't know what is happening on the west side of Wading River Manor Road as far as drainage goes.

I don't know why they can't put more drainage over there because the road today going into Walgreens and McDonald's was

a pond, okay.

If— and why that happened, I don't know. Wouldn't that be up to those developers to do better drainage over there? Because that drainage problem never existed before those two businesses were there."

Supervisor Walter: "Well, the water used to go in there and the problem— I've watched it, you've watched it. The water from the state road actually puddles up and runs down that road so it's a combination of state and town drainage issue and we asked George Woodson to try to correct the drainage problems and we're kind of at this point concentrating on people's houses that get flooded and moving, you know, from the worst things to the least terrible things.

I did have a client drive his car in there and ruin the engine, that's not flooding somebody's basement. It's on the radar screen I believe by George Woodson but I don't know when."

Nicholas DePierro: "I could make a suggestion as to how to improve the drainage but I'd rather leave that up to the engineers (inaudible)."

Councilman Dunleavy: "I don't know why when these site plans were put in that engineers and they— wouldn't engineer a fix for this. I don't see it. But they're engineers, I'm not an engineer and they say they have the education and I don't so commonsense goes out the window when you talk to people with degrees."

Nicholas DePierro: "Yeah. I know, some people— "

Supervisor Walter: "Thanks, John."

Councilman Dunleavy: "See."

Nicholas DePierro: "Now here's one I'm sure is near and dear to your heart, okay.

Concerns dogs, animals. We have the Henry Pfeiffer community center on Grumman Blvd. I don't know how that's being used, if it's being used at all.

From day one I was not in favor of that site. I don't know how much money- I think it was over half a million dollars, that was spent on that site.

Whether that building is being used now, I don't know whether it is or not. Okay. But people are always complaining about where the dogs are kept. Wouldn't that be a good spot to use over there for the dogs.

Did you ever take that into consideration? Give it some use."

Councilman Wooten: "That has been- I mean that's not the first time that's been said. I've heard it quite a few times.

Yeah, I'm not sure why that's not a viable location."

Supervisor Walter: "We've- there is- there are some members of the board that were thinking about selling it as excess property. We have to subdivide it first and then-- I'm working on that subdivision."

Councilman Wooten: "That's not a bad (inaudible)."

Councilwoman Giglio: "We- the alternative transportation committee plans on using that as a parking field to get on to the bike route that's going to go around EPCAL."

Nicholas DePierro: "What would you do with the building? Make it like a snack bar or something like that?"

Councilwoman Giglio: "Break it off maybe."

Supervisor Walter: "Well, right now- "

Councilman Gabrielsen: "It's also been recommended by the recreation committee which had- you know, to sell it and just find- the location is hostile. Ray Coyne agrees with us on that issue."

Nicholas DePierro: "Well, I'm sure you'd be able to get close to a million dollars for it."

Councilwoman Giglio: "Yeah, that's- "

Supervisor Walter: "Hostile environment? What does that mean?"

Councilman Gabrielsen: "It's in the middle of nowhere. It's not working. It's fenced out, it's got nothing going for it. Nobody wants to go out there. The seniors were going to use it. They tried to use it for a senior center and they said it's in the middle of-- they just won't use it."

Councilwoman Giglio: "Somebody approached-- "

Nicholas DePierro: "Nobody is going to use that. I was saying that from the beginning. Nobody is going to use that and go down that long, lonely dark road at night, you know."

Councilman Dunleavy: "No. It's just too far."

Councilwoman Giglio: "Somebody approached me years ago about using that as a commissary for the industrial park where they can serve food and soups and lunches for people that work within the park."

Nicholas DePierro: "Way back in the previous administration I suggested that that be used for one of the town board meetings at night. Okay, that's a good idea, we'll do it. Never happened."

Councilman Dunleavy: "Well, I like your idea about the dogs because it's away from a residential area and it's in an industrial-- so it might be a good idea."

Nicholas DePierro: "It would be-- I think it's a good idea. You have the property over there, why not utilize it?"

And I hope something happens with those sidewalks. Okay."

Councilman Wooten: "Thank you. I think you're right."

Supervisor Walter: "All right."

Nicholas DePierro: "That's it."

Supervisor Walter: "Thank you. Does anybody else want to be heard-- "

Councilman Wooten: "Do we have that resolution that (inaudible)."

Supervisor Walter: "-- well, we opened up this public comment portion so, Gina, if I'm to understand this, the bid has expired three or four times and nobody has re-done it?"

(Inaudible comment)

Supervisor Walter: "Can you come up- nobody can hear you. We do this all the time and the residents get upset that they can't hear you.

So, Gina, we're extending the- are you positive that we're going to have bids back to go out so that this gets done?"

(Inaudible comment)

Councilman Gabrielsen: "When was this written last, the bid specs to go out to bid?"

Supervisor Walter: "It didn't really have a spec."

Councilman Gabrielsen: "Never has? It's just been something- "

Councilwoman Giglio: "We paid Kashen Associates (phonetic) to put together the bid specifications for our waste and (inaudible), but not for this."

Supervisor Walter: "Right. Can you make sure to keep on top of this and let me know in a month, calendar for a month, and if the specs are not written in a month, come see me and I'll find out."

(Inaudible comment)

Supervisor Walter: "Don't e-mail me, come see me. Okay. Right. Come see me, I like visitors."

Councilman Wooten: "Now the municipal solid waste that's what we collect?"

(Inaudible comment)

Councilman Wooten: "That we do, that our guys go out and pick up. Okay."

Supervisor Walter: "Diary for a month and come see me with the status. Okay."

So, Diane, can you call the resolution?"

Diane Wilhelm: "Read for a vote?"

Resolution #717

Councilman Wooten: "Extends the bid contract for disposable town of Riverhead municipal solid waste. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "Okay. Can I get a motion to adjourn?"

Councilman Dunleavy: "I make a motion we adjourn."

Meeting adjourned: 4:38 p.m.

*Diane M. Wilhelm
Town Clerk*